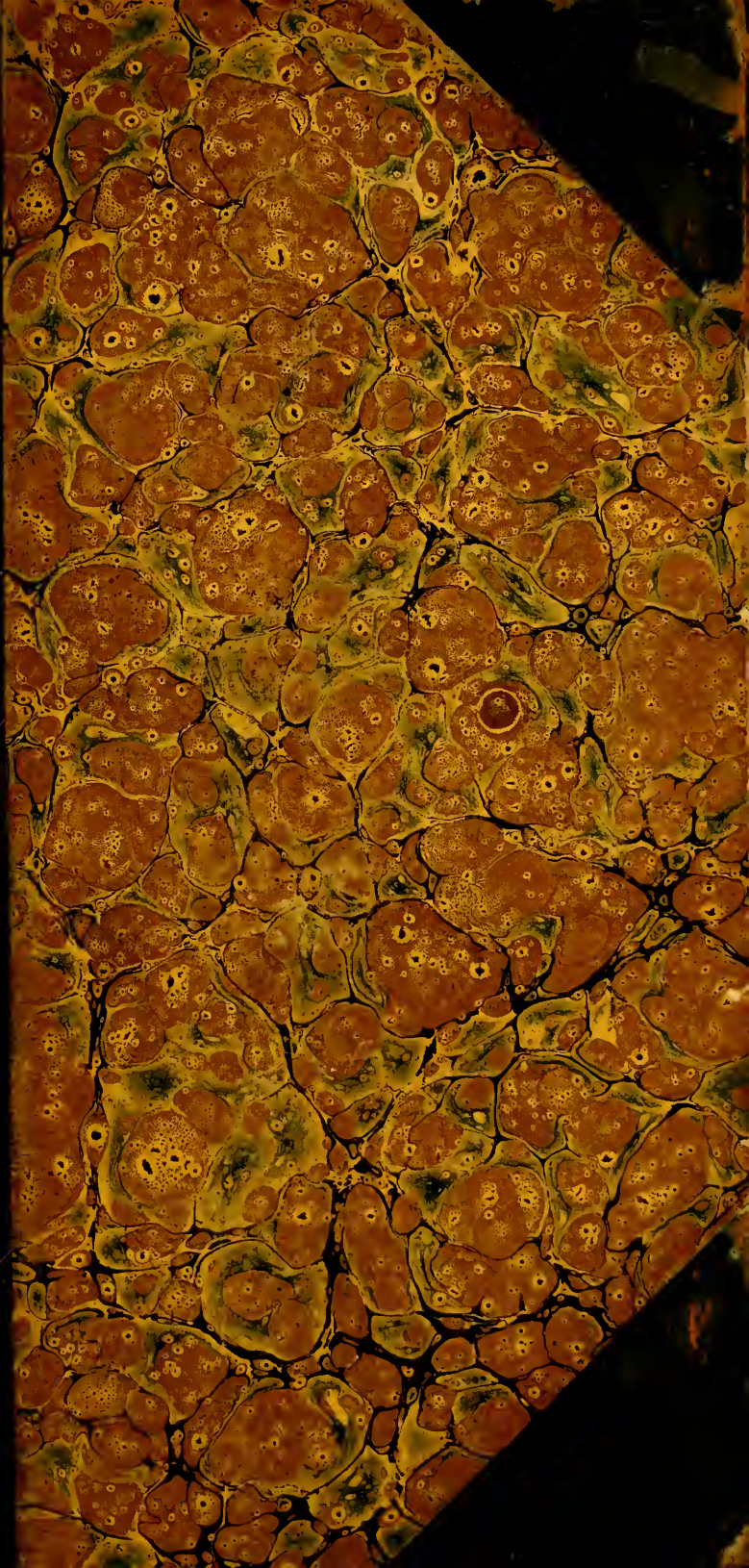

U.S. Continental congress

JOURNAL
OF THE
UNITED STATES
IN CONGRESS ASSEMBLED:
CONTAINING
THE PROCEEDINGS
FROM
THE SIXTH DAY OF NOVEMBER, 1786,
TO
THE FIFTH DAY OF NOVEMBER, 1787.

VOL. XII.

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M,DCC,LXXXVII.

JOURNAL

OF

CONGRESS.

MONDAY, *November* 6, 1786.

PURSUANT to the articles of confederation and perpetual union, the following gentlemen attended as delegates.

From Maſſachuſetts,	Mr. Gorham and Mr. King.
New-York,	Mr. Lawrance, Mr. Haring and Mr. Smith.
New-Jerſey,	Mr. Hornblower.
Pennſylvania,	Mr. Pettit and Mr. Bayard.
Maryland,	Mr. Henry and Mr. Ramſay.
South-Carolina,	Mr. Bull, Mr. Pinckney, Mr. Kean and Mr. Huger.
Georgia,	Mr. Few.

TUESDAY, *November* 7, 1786.

The ſame as yeſterday; and from Maryland, Mr. Hindman, and from North-Carolina, Mr. Blount.

MONDAY,

MONDAY, *November* 13, 1786.

The ſame as before.

MONDAY, *November* 20, 1786.

The following gentlemen attended;
From Maſſachuſetts, Mr. King.
New-York, Mr. Lawrance, Mr. Haring and Mr. Smith.
New-Jerſey, Mr. A. Clarke.
Pennſylvania, Mr. Meredith and Mr. Bingham.
Maryland, Mr. Henry and Mr. Ramſay.
Virginia, Mr. Grayſon and Mr. Carrington.
North-Carolina, Mr. Blount.
South-Carolina, Mr. Kean, Mr. Huger and Mr. Parker.
Georgia, Mr. Few.

FRIDAY, *November* 24, 1786.

The ſame as before; and from New-Jerſey, Mr. Scheurman, and from Maryland, Mr. Harriſon.

MONDAY, *December* 4, 1786.

The following gentlemen attended, viz.
From Pennſylvania, Mr. Meredith.
Maryland, Mr. Henry, Mr. Harriſon and Mr. Ramſay.
Virginia, Mr. Grayſon and Mr. Carrington.
North-Carolina, Mr. Blount.
South-Carolina, Mr. Pinckney and Mr. Parker.
Georgia, Mr. Few.

Mr. Blount informed, that the honorable Abner Naſh, his colleague, died on Saturday laſt, having directed his corpſe to be depoſited in his family vault in North-Carolina; Mr. Blount, therefore, deſired to know whether it would be neceſſary that the rites of burial ſhould be performed here, and if ſo, in what mode. Whereupon the gentlemen were of opinion, that the rites of funeral be performed here in

in the forenoon in the usual mode, and that Mr. Blount, Mr. Carrington and Mr. Pinckney superintend the funeral.

After this time the gentlemen attended occasionally 'till the 17th January, 1787, when Congress assembled as follows:

WEDNESDAY, *January* 17, 1787.

Congress assembled---Present,

Massachusetts,	Mr. R. King and Mr. N. Dane.
Connecticut,	Mr. W. S. Johnson and Mr. S. M. Mitchell.
New-York,	Mr. M. Smith and Mr. J. Lawrance.
New-Jersey,	Mr. L. Cadwallader Mr. A. Clarke and Mr. J. Scheurman.
Pennsylvania,	Mr. W. Irvine and Mr. S. Meredith.
South-Carolina,	Mr. I. Bull, Mr. C. Pinckney, Mr. J. Kean, Mr. D. Huger and Mr. J. Parker.
Georgia,	Mr. W. Few and Mr. W. Pierce.

And from North-Carolina, Mr. W. Blount.

The credentials of the respective delegates being read, Congress proceeded to the election of a President, but not coming to a choice, adjourned till to-morrow.

THURSDAY, *January* 18, 1787.

Five states only assembled, namely, Massachusetts, Connecticut, New-Jersey, Pennsylvania and South Carolina; and from New-York, Mr. Smith, and from Delaware, Mr. Nathaniel Mitchell, who produced credentials, by which it appears that Thomas Rodney, and he the said N. Mitchell and Gunning Bedford, the elder, Esquires, were, on the 27th of October last, elected delegates to represent the said state, from the first Monday in November, 1786, to the first Monday in November, 1787.

MONDAY, *January* 22, 1787.

Five states only assembled, namely, Massachusetts, Connecticut, etc.

necticut, Pennſylvania, South-Carolina and Georgia; and from New-Jerſey, Mr. Cadwallader, from Delaware, Mr. Mitchell, and from North-Carolina, Mr. Blount.

TUESDAY and WEDNESDAY, *January* 23, and 24, 1787.

The ſame.

THURSDAY and FRIDAY, *January* 25, and 26, 1787.

The ſame.

Mr. A. St. Clair, a delegate for Pennſylvania, attended.

MONDAY, *January* 29, 1787.

Six ſtates attended, namely, Maſſachuſetts, Connecticut, New-Jerſey, Pennſylvania, South-Carolina and Georgia; and from Delaware, Mr. N. Mitchell, and from North-Carolina, Mr. Blount.

TUESDAY, *January* 30, 1787.

Six ſtates attended, namely, Maſſachuſetts, Connecticut, New-York, New-Jerſey. Pennſylvania and South-Carolina; and from North-Carolina, Mr. Blount, and from Georgia, Mr. Few.

Mr. M. Smith and Mr. E. Benſon, the two delegates from New-York, produced credentials, whereby it appears, that on the 26th day of this preſent month, the ſenate and aſſembly appointed the honorable John Haring, Melancton Smith, Abraham Yates, jun. Egbert Benſon, and John Lanſing, jun. delegates to repreſent the ſtate of New-York, in the United States in Congreſs aſſembled, for the current year.

WEDNESDAY, *January* 31, 1787.

Six States only attended, namely, Maſſachuſetts, Connecticut,

ticut, New-York, New-Jersey, Pennsylvania and South-Carolina; and from North-Carolina, Mr. Blount, and from Georgia, Mr. Pierce.

THURSDAY, *February* 1, 1787.

Five states assembled, namely, Connecticut, New-York, New-Jersey, Pennsylvania and South-Carolina; and from Massachusetts, Mr. Dane, from Delaware, Mr. Mitchell, from North-Carolina, Mr. Blount, and from Georgia, Mr. Pierce.

FRIDAY, *February* 2, 1787.

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, South-Carolina and Georgia; and from Delaware, Mr. Mitchell.

Congress proceeded to the election of a President, and the ballots being taken,

The honorable Arthur St. Clair was elected.

On motion of Mr. Pinckney, seconded by Mr. King,

Resolved, That a standing committee on qualifications, consisting of five members, be appointed to examine the credentials produced by members, and report thereon from time to time the periods for which the several members are to serve.

The members chosen, Mr. Few, Mr. Cadwallader, Mr. Johnson, Mr. Pinckney and Mr. Benson.

On motion of Mr. King, seconded by Mr. Pinckney,

Resolved, That this day be assigned for the election of two chaplains.

Congress proceeded to the election, and the ballots being taken, the Rev. Dr. Rogers and the Rev. Dr. Provost were elected; the former having been nominated by Mr. King and the latter by Mr. Pinckney.

SATURDAY, *February* 3, 1787.

Congress assembled---Present as yesterday.

In

In purſuance of the appointment made on the 10th of September, 1786, of perſons to conſtitute a court to hear and determine the matter in controverſy between the ſtates of South Carolina and Georgia, the following gentlemen have ſignified their acceptance of the office, and that they will attend at New-York at the time appointed, viz.

The hon. A. C. Hanſon, by his letter of the 15th October, 1786,

James Madiſon, by his letter of the 25th September, 1786,

Robert Goldſborough, jun. by his letter of the 28th November, 1786,

James Duane, by his letter of the 26th December, 1786,

Thomas M'Kean, by his letter of the 2d October, 1786,

Egbert Benſon, by his letter of the 30th September, 1786, and

William Pynchon, by his letter of the 3d November, 1786.

Mr. John Dickinſon and Mr. Philemon Dickinſon have declined the appointment, the former by a letter of the 21ſt November, 1786, and the latter in one of the 10th January, 1787.

A letter from the honorable J. Adams was read, informing that he had exchanged with the Baron Thulemeier, the ratifications of the treaty between the United States of America, and encloſing the ratification thereof by his Pruſſian majeſty.

The Secretary for foreign affairs, to whom was referred a letter to Congreſs, dated the 9th July, 1786, from his Moſt Chriſtian Majeſty, on the birth of his daughter, reported the draught of an anſwer, which was agreed to.

The ſecretary for foreign affairs, to whom was referred a letter of 27th June, 1786, from the honorable J. Adams, reported the draught of a letter to the queen of Portugal, which was agreed to.

On motion of Mr. Pinckney, ſeconded by Mr. Kean,

Reſolved, That all matters which were before the laſt Congreſs,

Congreſs, and left unfiniſhed by them, be taken up in the preſent, and that all committees appointed by them, and who have not reported, be directed to proceed in the buſineſs before them, and report as ſoon as may be.

MONDAY, *February* 5, 1787.

Congreſs aſſembled---Preſent as before, and from Virginia, Mr. Grayſon.

On motion of Mr. Kean, ſeconded by Mr. Smith,

Ordered, That the board of treaſury report an eſtimate of the ſums neceſſary for the ſervice of the year 1787, including the intereſt on the domeſtic and foreign debt, and ſo much of the capital of the foreign debt as will fall due within the year.

TUESDAY, WEDNESDAY, THURSDAY and FRIDAY, *February* 6, 7, 8 and 9.

Six ſtates only having aſſembled, namely, Maſſachuſetts, Connecticut, New-York, New-Jerſey, Pennſylvania and South-Carolina; and from Delaware, Mr. Mitchell, from Virginia, Mr. Grayſon, and from Georgia, Mr. Few, the preſident adjourned Congreſs.

MONDAY, *February* 12, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, Connecticut, New-York, New-Jerſey, Pennſylvania, Virginia, South-Carolina and Georgia; and from Delaware, Mr. Mitchell.

Mr. James Madiſon, a delegate from Virginia, produced his credentials, by which it appears, that on the 7th of November laſt, he was appointed a delegate to ſerve in Congreſs until the firſt Monday in November, 1787.

The committee on qualifications, conſiſting of Mr. Few, Mr. Cadwallader, Mr. Johnſon, Mr. Pinckney and Mr. Benſon, appointed to examine the credentials produced, and report the periods for which the ſeveral members are to ſerve, having reported, "That

"That they have examined the commiſſions produced by the members preſent, from which it appears that Mr. King and Mr. Dane of Maſſachuſetts, Mr. Johnſon and Mr. S. M. Mitchell of Connecticut, Mr. Haring, Mr. Smith and Mr. Benſon of New-York, Mr. Clarke, Mr. Cadwallader and Mr. Scheurman of New-Jerſey, Mr. St. Clair, Mr. Irvine, Mr. Meredith and Mr. Bingham of Pennſylvania, Mr. N. Mitchell of Delaware, Mr. Grayſon and Mr. Madiſon of Virginia, Mr. Blount of North-Carolina, and Mr Few and Mr. Pierce of Georgia are elected and duly authoriſed to act as members of Congreſs until the firſt Monday in November next, and no longer.

"That Mr. Bull, Mr. Pinckney, Mr. Kean, Mr. Parker and Mr. Huger of South-Carolina, are authoriſed to ſerve until the 21ſt day of the preſent month, February."

Reſolved, That Congreſs agree to the ſaid report.

TUESDAY, *February* 13, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, Connecticut, New-York, New-Jerſey, Pennſylvania, North-Carolina and South-Carolina; and from Rhode-Iſland, Mr. Varnum, from Delaware, Mr. Mitchell, from Virginia, Mr. Madiſon, and from Georgia, Mr. Few.

Mr. James M. Varnum, a delegate for Rhode-Iſland, produced credentials, by which it appears that on the firſt Wedneſday in May, 1786, he was duly appointed a delegate to repreſent the ſaid ſtate in Congreſs for one year, commencing the firſt Monday in November, 1786.

Mr. Benjamin Hawkins, a delegate for North-Carolina, produced credentials, by which it appears that he is duly appointed a delegate to repreſent the ſaid ſtate in the Congreſs of the United States, and as ſuch to ſerve the tour of the late honorable Abner Naſh, from the 20th December, 1786, until the firſt Monday in November next.

WEDNESDAY, *February* 14, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, Connecticut,

cut, New-York, New-Jerſey, Pennſylvania, Virginia, North-Carolina, South-Carolina and Georgia; and from Rhode-Iſland, Mr. Varnum and from Delaware, Mr. Mitchell.

A draught of an ordinance for regulating the poſt-office of the United States, was read a firſt time.

Ordered, That Wedneſday next be aſſigned for a ſecond reading.

THURSDAY, *February* 15, 1787.

Congreſs aſſembled---Preſent as yeſterday, and from Maryland, Mr. Forreſt.

The credentials for the delegates for Maryland were read, whereby it appears, that the honorable William Harriſon, William Hindman, Uriah Forreſt, David Roſs and Nathaniel Ramſay, were appointed delegates to repreſent that ſtate for one whole year, from the ſecond Monday in December.

The poſt-maſter-general, to whom were referred ſundry motions reſpecting croſs-poſts, having reported thereon,

On motion of Mr. Grayſon, ſeconded by Mr. S. M. Mitchell,

Reſolved, That the poſt-maſter-general be, and he is hereby authoriſed and empowered to grant for a term not exceeding ſeven years, to any perſon or perſons, who will give ſatisfactory ſecurity for the performance of his or their contract, the excluſive privilege of carrying letters and packets for hire, upon the croſs-roads within the ſtate of Virginia, from the city of Richmond to Staunton, in the county of Auguſta, and from Wincheſter, in the county of Frederick, to Staunton; provided, that the poſtage to be charged by ſuch perſon or perſons for the carriage of letters and packets, ſhall in no caſe exceed the rates charged purſuant to the acts of Congreſs, for ſimilar letters and packets, carried the ſame diſtance upon the main poſt-road; and provided alſo, that ſuch contract ſhall not occaſion any expence to the general poſt-office.

FRIDAY, *February* 16, 1787.

Congreſs aſſembled---Preſent as yeſterday.

The committee on qualifications, having reported on the credentials of the delegates for Maryland, thereupon,

On motion of Mr. Mitchell, ſeconded by Mr. Few,

Reſolved, That though by the commiſſion of Mr. Forreſt, delegate for Maryland, the time for which he is appointed to ſerve in Congreſs is not clearly expreſſed, yet it appears that it was intended by the ſtate, that his appointment ſhould extend from the ſecond Monday of December laſt until the ſecond Monday in December next, and that the commiſſion will admit of ſuch a conſtruction.

The committee of qualifications, report,

That Mr. Varnum, the delegate attending from the ſtate of Rhode-Iſland, &c. is duly appointed to ſerve in Congreſs for one year, from and after the firſt Monday in November laſt.

Reſolved, That Congreſs agree to the ſaid report.

MONDAY, *February* 19, 1787.

Congreſs aſſembled---Preſent as before.

The preſident being abſent, Congreſs proceeded to the election of a chairman, and the ballots being taken,

The honorable Lambert Cadwallader was elected.

The committee, conſiſting of Mr. King, Mr. Johnſon, and Mr. Meredith, to whom was referred a petition of Thomas Ruſſel, of Boſton, in the ſtate of Maſſachuſetts, praying that ſea-letters may be granted for two veſſels belonging to him, now at Boſton, and bound for the Eaſt-Indies, namely, the brig Nathaniel, whereof Moſes Brown is maſter, and the Schooner "The generous Friends," Eli Vickery, maſter, having reported, "That they are aſſured that the veſſels above-mentioned, with their cargoes, belong to a citizen of the United States, and are navigated by ſeamen who are citizens of the United States"

Reſolved, That ſea-letters in the uſual form, be granted for the ſaid veſſels.

The committee, conſiſting of Mr. Pinckney, Mr. Madiſon, Mr. King, Mr. Johnſon and Mr. Bingham, to whom was referred a motion for directing the ſecretary at war to iſſue inſtructions immediately, to the officers in the recruiting

cruiting ſervice, to ſuſpend any future inliſtments of troops under the reſolutions of Congreſs of the 20th October, 1786, until the farther directions of Congreſs, having reported, " that in their opinion the preſent circumſtances of the United States, make it prudent to poſtpone, for a ſhort time, a deciſion on the ſubject which has been referred to them." And this report being called for as an order of the day, by the ſtate of South-Carolina, and being under debate, a motion was made by Mr. Pinckney, ſeconded by Mr. Few, that the further conſideration of the ſaid report be poſtponed, in order to take up the following:

" Whereas neither the requiſition of the 21ſt of October, 1786, nor the loans which the board of treaſury were directed to make in conſequence thereof, for paying and ſubſiſting the troops directed to be raiſed by the reſolutions of the 20th of October laſt, have yielded the ſums expected from the ſame, and on the proſpect of obtaining which, the additional number of 1340 men was alone determined to be raiſed; and as the preſent critical and embarraſſed ſituation of the funds of the United States is ſuch, as not to permit the raiſing and equipping the whole number of troops mentioned in the ſaid reſolutions, without interfering with the more neceſſary and important purpoſes of collecting ſupplies for the maintenance of the civil liſt, and the contingencies of the federal government, the payment of the intereſt and ſuch parts of the capital as are and will become due on the foreign loans; and as it would be highly dangerous and impolitic, either to apply the ſums appropriated to theſe purpoſes to the maintenance of an additional military eſtabliſhment, in itſelf not neceſſary to the full extent, or to place arms in the hands of a body of diſciplined troops, for whoſe pay and ſubſiſtence the United States are not at preſent, nor will ſoon probably be in a ſituation to provide; therefore reſolved, that the ſecretary at war be, and he is hereby ordered, to iſſue immediate inſtructions to the officers in the recruiting ſervice, to ſuſpend any future inliſtments under the reſolutions of the 20th of October, until the farther direction of Congreſs, except ſo far as to complete the

corps

corps now in ſervice on the Ohio, or its neighbourhood, to the number of non-commiſſioned officers and privates; that he direct the troops already raiſed, with a ſuitable proportion of commiſſioned officers, to rendezvous at ; and that he report to Congreſs the arrangements neceſſary for compleating the ſaid corps, and for diſcharging the officers who may have been commiſſioned, but whoſe ſervices are by this reduction rendered unneceſſary."

On the queſtion to poſtpone for the purpoſe above-mentioned, the yeas and nays being required by Mr. Pinckney,

Maſſachuſetts,	Mr. King	no	no
	Mr. Dane	no	
Rhode-Iſland,	Mr. Varnum	no	*
Connecticut,	Mr. Johnſon	no	no
	Mr. S. M. Mitchell	no	
New-York,	Mr. Smith	no	no
	Mr. Benſon	no	
New-Jerſey,	Mr. Cadwallader	ay	ay
	Mr. Clarke	ay	
	Mr. Schuerman	ay	
Pennſylvania,	Mr. Irvine	ay	ay
	Mr. Meredith	ay	
	Mr. Bingham	ay	
Maryland,	Mr. Forreſt	no	*
Virginia,	Mr. Grayſon	ay	ay
	Mr. Madiſon	no	
North-Carolina,	Mr. Blount	ay	ay
	Mr. Hawkins	ay	
South-Carolina,	Mr. Bull	ay	ay
	Mr. Pinckney	ay	
	Mr. Kean	no	
	Mr. Huger	ay	
	Mr. Parker	ay	
Georgia,	Mr. Few	ay	ay
	Mr. Pierce	ay	

So the queſtion was loſt.

Ordered, That the conſideration of the report be poſtponed.

TUESDAY,

TUESDAY, *February* 20, 1787.

Congrefs affembled---Prefent nine ftates as before.

WEDNESDAY, *February* 21, 1787.

Congrefs affembled---Prefent as before.

The report of a grand committee, confifting of Mr. Dane, Mr. Varnum, Mr. S. M. Mitchell, Mr. Smith, Mr. Cadwallader, Mr. Irvine, Mr. N. Mitchell, Mr. Forreft, Mr. Grayfon, Mr. Blount, Mr. Bull and Mr. Few, to whom was referred a letter of 14th September, 1786, from J. Dickinfon, written at the requeft of commiffioners from the ftates of Virginia, Delaware, Pennfylvania, New-Jerfey and New-York, affembled at the city of Annapolis, together with a copy of the report of the faid commiffioners, to the legiflatures of the ftates by whom they were appointed, being an order of the day, was called up, and which is contained in the following refolution, viz.

"Congrefs having had under confideration the letter of John Dickinfon, Efq. chairman of the commiffioners, who affembled at Annapolis, during the laft year; alfo the proceedings of the faid commiffioners, and intirely coinciding with them, as to the inefficiency of the federal government, and the neceffity of devifing fuch farther provifions as fhall render the fame adequate to the exigencies of the union, do ftrongly recommend to the different legiflatures to fend forward delegates, to meet the propofed convention, on the fecond Monday in May next, at the city of Philadelphia.

The delegates for the ftate of New-York, thereupon laid before Congrefs inftructions which they had received from their conftituents, and in purfuance of the faid inftructions, moved to poftpone the farther confideration of the report, in order to take up the following propofition, viz.

"That it be recommended to the ftates compofing the union, that a convention of reprefentatives from the faid ftates refpectively, be held at , on , for the purpofe of revifing the articles of confederation and

and perpetual union between the United States of America, and reporting to the United States in Congreſs aſſembled, and to the ſtates reſpectively, ſuch alterations and amendments of the ſaid articles of confederation, as the repreſentatives met in ſuch convention, ſhall judge proper and neceſſary to render them adequate to the preſervation and ſupport of the union."

On the queſtion to poſtpone for the purpoſe above-mentioned, the yeas and nays being required by the delegates for New-York.

Maſſachuſetts,	Mr. King	ay	ay
	Mr. Dane	ay	
Connecticut,	Mr. Johnſon,	ay	dd
	Mr. S. Mitchell	no	
New-York,	Mr. Smith	ay	ay
	Mr. Benſon	ay	
New-Jerſey,	Mr. Cadwallader	ay	no
	Mr. Clarke	no	
	Mr. Scheurman	no	
Pennſylvania,	Mr. Irvine	no	no
	Mr. Meredith	ay	
	Mr. Bingham	no	
Delaware,	Mr. N. Mitchell	no	*
Maryland,	Mr. Forreſt	no	*
Virginia,	Mr. Grayſon	ay	ay
	Mr. Madiſon	ay	
North-Carolina,	Mr. Blount	no	no
	Mr. Hawkins	no	
South-Carolina,	Mr. Bull	no	no
	Mr. Kean	no	
	Mr. Huger	no	
	Mr. Parker	no	
Georgia,	Mr. Few	ay	dd
	Mr. Pierce	no	

So the queſtion was loſt.

A motion was then made by the delegates for Maſſachuſetts, to poſtpone the farther conſideration of the report, in order to take into conſideration, a motion which they read in their place; this being agreed to, the motion of the

the delegates for Maſſachuſetts was taken up, and being amended, was agreed to as follows :

Whereas there is proviſion in the articles of confederation and perpetual union, for making alterations therein, by the aſſent of a Congreſs of the United States, and of the legiſlatures of the ſeveral ſtates ; and whereas experience hath evinced, that there are defects in the preſent confederation, as a mean to remedy which, ſeveral of the ſtates, and particularly the ſtate of New-York, by expreſs inſtructions to their delegates in Congreſs, have ſuggeſted a convention for the purpoſes expreſſed in the following reſolution ; and ſuch convention appearing to be the moſt probable mean of eſtabliſhing in theſe ſtates a firm national government,

Reſolved, That in the opinion of Congreſs, it is expedient, that on the ſecond Monday in May next, a convention of delegates, who ſhall have been appointed by the ſeveral ſtates, be held at Philadelphia, for the ſole and expreſs purpoſe of reviſing the articles of confederation, and reporting to Congreſs and the ſeveral legiſlatures, ſuch alterations and proviſions therein, as ſhall, when agreed to in Congreſs, and confirmed by the ſtates, render the federal conſtitution adequate to the exigencies of government, and the preſervation of the union.

THURSDAY, *February* 22, 1787.

Six ſtates only attending, namely, Maſſachuſetts, New-York, New-Jerſey, Pennſylvania, North-Carolina and Georgia ; and from Connecticut, Mr. S. M. Mitchell, from Delaware, Mr. N. Mitchell, and from Maryland, Mr. Forreſt, the chairman adjourned Congreſs to ten o'clock tomorrow.

FRIDAY, *February* 23 1787.

Six ſtates only attended, namely, Maſſachuſetts, New-York, New-Jerſey, Pennſylvania, Virginia and North-Carolina,

Carolina; and from Connecticut, Mr. S. M. Mitchell, from Maryland, Mr. Forreſt, and from Georgia, Mr. Few.

MONDAY, *February* 26, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, New-York, New-Jerſey, Pennſylvania, Virginia, North-Carolina and Georgia; and from Rhode-Iſland, Mr. Varnum, from Connecticut, Mr. S. M. Mitchell, and from Delaware, Mr. N. Mitchell.

THURSDAY, *March* 1, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, New-York, Pennſylvania, Delaware, Virginia, North-Carolina and Georgia; and from the ſtate of Rhode-Iſland, Mr. Varnum, from Connecticut, Mr. S. M. Mitchell, and from New-Jerſey, Mr. Cadwallader.

Mr. Dyre Kearny, a delegate for Delaware, attended and produced credentials, by which it appears, that on the third of February he was elected a delegate in the room of Gunning Bedford, the elder, Eſq. reſigned, to repreſent the ſaid ſtate in Congreſs, until the firſt Monday in November next.

The committee, conſiſting of Mr. Benſon, Mr. Grayſon, and Mr. King, to whom was referred a petition of Samuel Franklin and company, and John Blagge, praying for a ſea-letter, having procured and produced to Congreſs a depoſition, whereby it appears "that the brig Mary, Arthur Helme, maſter, for which ſea letters are requeſted, is the property of American citizens, and that ſhe is commanded and officered by natives of America, and that it is intended ſhe ſhall be manned with citizens of the ſame."

Reſolved, That a ſea letter be granted in the uſual form, agreeably to the prayer of the ſaid petition.

MONDAY, *March* 5, 1787.

Six ſtates attended, namely, Maſſachuſetts, New-Jerſey, Pennſylvania,

Pennſylvania, Virginia, North-Carolina and Georgia; and from Rhode-Iſland, Mr. Varnum, from Connecticut, Mr. S. M. Mitchell, from New-York, Mr. Haring, from Delaware, Mr. Kearny, and from Maryland, Mr. Forreſt.

TUESDAY, *March* 6, 1787.

Six ſtates attended as yeſterday.

WEDNESDAY, *March* 7, 1787.

Mr. Abraham Yates, a delegate for New-York, attended.

Six ſtates attended, namely, Maſſachuſetts, New-York, New-Jerſey, Pennſylvania, Delaware and Virginia; and from Connecticut, Mr. Mitchell, from Maryland, Mr. Forreſt, from North-Carolina, Mr. Blount, and from Georgia, Mr. Pierce.

THURSDAY, *March* 8, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina and Georgia; and from Rhode-Iſland, Mr. Varnum, from Connecticut, Mr. S. M. Mitchell, and from Maryland, Mr. Forreſt.

On a report of the board of treaſury, to whom was referred a motion of Mr. Varnum,

Reſolved, That when the ſtate of Rhode-Iſland ſhall have completed the payment of her ſpecie quota of the requiſition of the 27th September, 1785, the loan-officer of the ſaid ſtate ſhall be authoriſed to continue the iſſue of indents, agreeably to the terms of the ſaid requiſition.

FRIDAY, *March* 9, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, New-York, New-Jerſey, Pennſylvania, Delaware, North-Carolina

rolina and Georgia ; and from Rhode-Iſland, Mr. Varnum and from Connecticut, Mr. S. M. Mitchell.

The delegates of Maſſachuſetts having made repreſentation to Congreſs in the following words,

" The delegates of Maſſachuſetts, in obedience to the inſtructions of the legiſlature of that commonwealth, and to the end that their conſtituents may claim and poſſeſs all the benefits and advantages, to which, by the articles of confederation and perpetual union, they are or may be entitled, repreſent to the United States in Congreſs aſſembled, the information contained in the three ſubjoined papers. No. I. being the ſpeech of the governor of the commonwealth of Maſſachuſetts to the general court thereof. No. II. The reply of the general court to the ſpeech of the governor. And No. III. The declaration of a rebellion within that commonwealth. And the ſaid delegates in conformity with the inſtructions of their conſtituents, farther repreſent to the United States in Congreſs aſſembled, that the legiſlature of Maſſachuſetts are firmly perſuaded, that by far the greater part of the citizens of that commonwealth, are well affected to the government thereof, and that there is the higheſt probability, by the bleſſing of Almighty God, that the preſent rebellion will be ſpeedily ſuppreſſed. The ſaid legiſlature confiding that had it been neceſſary, the firmeſt ſupport and moſt effectual aid would have been afforded by the United States to that commonwealth, for putting an end to the inſurrections and rebellion which have happened within the ſame ; ſuch ſupport and aid being expreſsly and ſolemnly ſtipulated by the articles of confederation and perpetual union.

No. I.

The ſpeech of his excellency James Bowdoin, eſquire, governor of the commonwealth of Maſſachuſetts, to the legiſlature :---Gentlemen of the ſenate, and gentlemen of the houſe of repreſentatives, It was expected by the general court, that their proceedings at their laſt ſeſſion, reſpecting the inſurgents, would have anſwered the purpoſes

poſes for which they were intended. By thoſe proceedings there were held forth to them puniſhment on the one hand, and pardon on the other---puniſhment in caſe of perſeverance in their criminal conduct; pardon and indemnity if they deſiſted from it, and by a given time ſhould take the oaths of allegiance. This application to their feelings, and to that actuating principle, a deſire of perſonal ſafety, it was apprehended, would have had forcible influence to bring them to their duty. But unhappily it did not produce any good effect, except upon a very few individuals of them---on the contrary, the lenity and forbearance of government were treated with contempt, and imputed by them to an inability of defending itſelf; and ſome of your laſt acts have been added to their liſt of grievances. But the cleareſt and moſt unequivocal evidence of their perſeverance and oppoſition to government, is deduced from their proceedings reſpecting the judicial courts in ſeveral of the counties ſince the laſt ſeſſion of the general court. They twice with an armed force, ſtopped thoſe courts in Worceſter, and would not ſuffer them to open in Hampſhire. They attempted it, though unſucceſsfully, in Middleſex, and in conſequence of that attempt ſeveral of them were taken into cuſtody by virtue of ſtate warrants; in the execution of which, the ſheriff and other perſons to whom the warrants were directed, had the aid and ſupport of a number of ſpirited gentlemen of that county and Suffolk. At the laſt time of their aſſembling in Worceſter, there were near a thouſand of them in arms, who to the great annoyance and terror of that vicinity, continued embodied for ſeveral days after the court had adjourned, meditating, as it was apprehended further outrages, which were providentially prevented by the continued ſtorms of that week. Theſe violent and treaſonable proceedings of the inſurgents, were perpetrated after the publication of the laſt acts of the general court reſpecting them, and demonſtrated not only a total diſregard of thoſe acts, and the authority by which they were enacted, but a contempt of all conſtitutional government, and a fixed determination to perſevere in meaſures for ſubvert-

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ing it. This determination and these measures were also manifested by their printed declarations, and some of the private transactions of their leaders, when the main body of the insurgents were last assembled at Worcester, by which it appeared the insurgents were formed into regiments, and that a committee were appointed for each regiment, to see that it should, without delay, be properly officered and equipped, and compleatly ready whenever called upon. That this was the state of things in the western counties, was further confirmed by letters I received from some of the most respectable characters in those counties, and by the oral testimony of many intelligent persons from thence, who all agreed in the necessity of speedy and vigorous measures being taken for the effectual suppression of the insurgents, without which, the well affected might from a principle of self-preservation, be obliged to join them, and the insurrection become general. The safety and well-being of the commonwealth being thus in hazard, and the lenient conciliating measures of the general court having been rejected by the insurgents, I conceived myself under every obligation of honor and duty to exert the powers vested in me by law and the constitution, for the protection and defence of the commonwealth against the hostile and nefarious attempts of those lawless men. Pursuant to this idea, I laid before the council all the information and intelligence I had collected relative to the proceedings and designs of these men: And the council were unanimously of opinion, and accordingly advised that vigorous and effectual measures should be taken to protect the judicial courts, particularly those that were then next to be holden at Worcester, to aid the civil magistrate in executing the laws--to repel all insurgents against the government, and to apprehend all disturbers of the public peace, particularly such of them as might be named in any state warrant or warrants. For these purposes upon the effecting of which all good government and indeed the happy existence of the commonwealth, do essentially depend, I have called forth from several counties, a respectable body of the militia, the command of which

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I have given to major-general Lincoln, with orders to carry those purposes into effectual execution. Those orders are now in operation, and will be laid before you, with the general orders containing the plan of measures by which the commonwealth was to be defended against its present assailants. I congratulate you gentlemen on the success of those measures hitherto, and hope it is a prelude to final success and to the re-establishment of perfect tranquility. The dispatches concerning it, which I have received from general Lincoln and general Shepherd, will be laid before you. Thus gentlemen, from a principle of duty to the commonwealth, and in conformity to your resolution of the 24th of October, in which you express a full confidence "that I will persevere in the exercise of such powers as are vested in me by the constitution for preventing any attempts to interrupt the administration of law and justice, and for enforcing due obedience to the authority and laws of government," I have taken the measures above represented. I trust they will meet with your entire approbation, and with that support which is naturally to be expected from the guardians of the public safety. On my part, I have done in this business what the duty of my office and the oath of qualification indispensibly requires, and I have the fullest confidence that on your part nothing will be wanting to carry into complete effect the measures that have been taken, or that may be further necessary to suppress the present insurrection, and to insure a strict obedience to the laws. This is so essential to the peace and safety of the commonwealth, that it requires your immediate attention, and the speedy application of further means, if those already taken should be deemed insufficient for that purpose. Among those means you may deem it necessary to establish some criterion for discriminating between good citizens and insurgents, that each might be regarded according to their character, the former as their country's friends and to be protected, and the latter as public enemies, and to be effectually suppressed. At such a time as the present, every man ought to shew his colours and take his side; no neutral characters

characters ſhould be allowed, nor any ſuffered to vibrate between the two. Vigor, deciſion and energy will ſoon terminate this unnatural, this unprovoked inſurrection, and prevent the effuſion of blood; but the contrary may involve the commonwealth in a civil war and all its dreadful conſequences, which may extend not only to the neighbouring ſtates, but even to the whole confederacy, and finally deſtroy the fair temple of American liberty; in the erecting of which, beſides the vaſt expence of it, many thouſands of valuable citizens have been ſacrificed. There are ſeveral things reſulting from the meaſures in operation which require your immediate attention. The money immediately wanted for carrying them into execution, was ſupplied by a voluntary loan from a number of gentlemen, and in a manner which does them honor. I muſt earneſtly recommend to you to provide for its reimburſement, which upon the principles of policy as well as juſtice, ſhould be made as ſpeedy as poſſible. Proviſion alſo ſhould be made for defraying the general expence. Should the time be too ſhort to effect the great purpoſes for which the militia were called forth, it may be neceſſary that general Lincoln ſhould be empowered to continue them in ſervice by inliſtment, until theſe purpoſes ſhould be accompliſhed. The men being already embodied, and the arrangements for ſupporting them perfected, the expence of ſuch a continuance will be much leſs than that of raiſing a new body for the ſame ſervice. There are defects in our militia act which require an immediate remedy, and which I ſhall mention to you in a ſeparate meſſage. Theſe, gentlemen, are matters of importance, but the general ſubject of this addreſs is of the firſt magnitude, and demands your immediate and moſt ſerious attention. If it be taken up with proper ſpirit---if the meaſures in operation be ſeconded with firmneſs and deciſion---and if the powers of the ſeveral branches of government be united in a wiſe and vigorous exertion, we may reaſonably expect a ſpeedy and happy iſſue to the preſent inſurrection, to which happy iſſue every exertion on my part has been and ſhall be applied; but on the contrary, if indeciſion, langour, or diſ-

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union ſhould on this occaſion pervade our public counſels, inſurrection, though checked for the preſent, would gain new ſtrength, and like a torrent might ſweep away every mound of the conſtitution, and overwhelm the commonwealth in every ſpecies of calamity. In ſuch caſe, if brought on by remiſſneſs, or relaxation on our part, we ſhould be not only involved moſt eſſentially involved, in that calamity, but juſtly chargeable with betraying the truſt repoſed in us by our fellow citizens. and chargeable with ignominiouſly deſerting the poſts aſſigned us, as guardians of the peace, the ſafety and happineſs of the commonwealth. But very happily, this is only a poſſible caſe---for your patriotiſm, your virtue, your regard for your own liberties and property, and for thoſe of your families and poſterity, muſt induce you to call forth every power of government into vigorous exertion for preventing ſuch a complication, ſuch an accumulation of evils. On this occaſion it is proper gentlemen, to inform you, that I have received from ſeveral towns, petitions, directed to the governor and council, and alſo to the general court, relative to the inſurgents. The petitions being eight in number, do diſapprove of the proceedings of government, in regard to thoſe people. But as the things prayed for, were, for the moſt part, not cognizable by the governor and council, and ſuch as were ſo, could not be granted by them, conſiſtently with the duty they owe to the commonwealth ; the petitions will be laid before you, for your conſideration. There are other matters to which your attention, gentlemen, is neceſſary, and they will be communicated by meſſage.

(Signed) JAMES BOWDOIN.

Council-Chamber, February 3, 1787.

No. II.

To his excellency James Bowdoin, eſquire, governor of the commonwealth of Maſſachuſetts,

May it pleaſe your excellency,

The ſenate and houſe of repreſentatives in general court aſſembled

assembled, have read and duly attended to your speech at the opening of this session, and take this earliest opportunity to express their entire satisfaction in the measures you have been pleased to take, pursuant to the powers vested in you by the constitution, for the subduing a turbulent spirit, which has too long insulted the government of this commonwealth, prostrated the courts of law and justice in divers counties, and threatened even the overthrow of the constitution itself. The general court congratulate your excellency on the success with which providence has been pleased to bless the wise, spirited and prudent measures which you have taken: and they earnestly entreat your excellency still to encounter, repel and resist, by all fitting ways, enterprizes and means, all and every such person and persons as attempt or enterprize in a hostile manner, the destruction, detriment or annoyance of this commonwealth, and to pursue such further constitutional measures as you may think necessary for extirpating the spirit of rebellion, quieting the minds of the good people of the commonwealth, and establishing the just authority and dignity of government. And in order that your excellency may be possessed of the full power of the constitution to effect these great purposes, the general court have thought it highly necessary, after mature deliberation, to declare that a rebellion exists within this commonwealth. This court are fully persuaded that by far the greater part of the citizens of this commonwealth are warmly attached to our present happy constitution; they have a high sense of the merit of a respectable body of the militia, who have with readiness attended your excellency's orders on this pressing emergency, as well as of the patriotic zeal of a number of private citizens, who have chearfully advanced their money in aid to government; and you may be assured, sir, that the most speedy and effectual means will be used for the payment of the officers and soldiers who have been or may be employed in this necessary and most important service, and for the reimbursement of the monies generously advanced for its support. It is to be expected, that vigor, decision, and energy under the direction

direction and bleſſing of heaven, will ſoon terminate this unnatural, unprovoked rebellion, prevent the effuſion of blood, and the fatal conſequences to be dreaded from a civil war, and it is the determination of this court to eſtabliſh a criterion for diſcriminating between good citizens and others, that each may be regarded according to their character and deſerts. If it ſhould appear to your excellency that the time for which the militia under the command of major-general Lincoln are inliſted, is too ſhort to effect the great objects in view, it is the requeſt of this court that you would be pleaſed to direct the commanding general to re-inliſt the ſame men, or inliſt others for ſuch further time as you may think neceſſary, or to replace them by detachments from the militia, and if you ſhall think it expedient, to encreaſe their numbers, and continue them in ſervice until thoſe purpoſes ſhall be completely accompliſhed. The general court will give the moſt ready attention to your meſſage of the third inſtant, and every other communication you ſhall be pleaſed to lay before them. They will vigorouſly purſue every meaſure that may be calculated to ſupport the conſtitution, and will ſtill continue to redreſs any real grievances, if ſuch ſhall be found to exiſt; humbly beſeeching Almighty God to preſerve union and harmony among the ſeveral powers of government, as well as among the honeſt and virtuous citizens of the commonwealth, and to reſtore to us the ineſtimable bleſſings of peace and liberty, under a wiſe and righteous adminiſtration of government.

In ſenate, February 4, 1787. Read and unanimouſly accepted, and ordered that Samuel Adams, Caleb Strong, and Seth Waſhburne, eſquires, with ſuch as the honorable houſe may join, be a committee to wait upon his excellency the governor with the aforeſaid addreſs. Sent down for concurrence.

SAMUEL PHILLIPS, jun. Preſident.

In the houſe of repreſentatives, February 4, 1787. Read and

and concurred; and Mr. Shephard, Mr. Brooks, Mr. Beckford and Mr. Davis are joined.

ARTEMAS WARD, Speaker.

A true copy. Attest.

(Signed) JOHN AVERY, jun. Secretary.

No. III.

Commonwealth of Massachusetts.

Whereas the doings of the general court at their last session, relative to the insurgents against the government and authority of the state in several counties within this commonwealth, were lenient and merciful, were intended to quiet the minds of the disaffected, and ought to have had the effect they were designed to produce. And whereas every complaint of grievances was carefully attended to, with a disposition to grant all relief which could be afforded, consistent with equal justice and the dignity of government. And the general court so far as they were able, adopted measures accordingly, and gave full and clear information to the insurgents as well as others, of the general situation of public affairs.

And whereas a full and free pardon, for all the outrageous proceedings against the government, whereof the insurgents had been guilty, was tendered them upon this mild condition alone, that they should be guilty of such outrages no more, and as evidence of their intentions to demean themselves in future, as good and faithful citizens should, before the first day of January, A. D. 1787, take and subscribe the oath of allegiance; it manifestly appears from the subsequent conduct of the leaders of the insurgents, that their opposition to government, has not arisen from a misapprehension as to the views and disposition of government, or from a temporary irritation, arising from the pressure of supposed grievances, or from a misguided zeal to promote the public happiness, as has been insidiously asserted, but from a settled determination to subvert the constitution, and put an end to the government of this commonwealth; it is also abundantly manifest,

ſeſt, that the conduct of the inſurgents in ſtopping the courts of juſtice in the counties of Worceſter and Hampſhire, in aſſembling in arms avowedly to commit the ſame outrages in the county of Middleſex, in calling upon the towns in ſome counties to furniſh themſelves with arms and ammunition, in appointing committees to form their adherents into regular military companies, properly officered, thereby to eſtabliſh within this commonwealth, a ſtanding force beyond the controul of, and for the expreſs purpoſe of oppoſing in arms the conſtitutional government of the ſtate, in endeavouring to encreaſe the commotions in the counties aforeſaid, by publicly inviting and alluring others to throw off their allegiance and join their body, is ſubverſive of all order and government, abſolutely incompatible with the public ſafety and happineſs, and is an open, unnatural, unprovoked and wicked rebellion againſt the dignity, authority and government of this commonwealth. And the legiſlature in duty to their conſtituents in conformity to their oaths, and by virtue of the authority veſted in them by the conſtitution (having ineffectually tried every lenient meaſure to reclaim them) do hereby ſolemnly declare, that a horrid and unnatural rebellion and war, has been openly and traiterouſly raiſed and levied againſt this commonwealth, and is ſtill continued, and now exiſts within the ſame, with deſign to ſubvert and overthrow the conſtitution and form of government thereof, which has been moſt ſolemnly agreed to and eſtabliſhed by the citizens of this commonwealth; and that government ought and will, with the greateſt energy and force, exert and bring forth all the power of the commonwealth for the ſuppreſſion thereof, and all the horrors and evils that may follow in conſequence of this rebellion, muſt be imputed to thoſe men, who have contrary to the duty of their allegiance, and every principle of law and juſtice, been the fomenters, abettors and ſupporters of the ſame.

In ſenate, February 4, 1787. Read and unanimouſly accepted; ſent down for concurrence.

SAMUEL PHILLIPS, jun. Preſident.

In the house of representatives, February 4, 1787. Read and concurred.

ARTEMAS WARD, Speaker.

A true copy. Attest.

(Signed) JOHN AVERY, jun. Secretary.

A motion was made by Mr. Varnum, seconded by Mr. Few, that the foregoing papers be referred to a committee; and on the question for commitment, the yeas and nays being required by Mr. King,

Mr. King and Mr. Dane	*ay)ay*
Mr. Varnum	*ay)* *
Mr. S. M. Mitchell	*ay)* *
Mr. Haring and Mr. Yates	*ay)ay*
Mr. Cadwallader, Mr. Clarke & Mr. Scheurman	*ay)ay*
Mr. St. Clair and Mr. Irvine	*ay)ay*
Mr. Meredith and Mr. Bingham	*ay)ay*
Mr. Mitchell and Mr. Kearney	*ay)ay*
Mr. Blount and Mr. Hawkins	*ay)ay*
Mr. Few and Mr. Pierce	*ay)ay*

So it was resolved in the affirmative.

MONDAY, *March* 12, 1787.

Congress assembled---Present, Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia; and from Rhode-Island, Mr. Varnum and from Connecticut, Mr. S. M. Mitchell.

TUESDAY, *March* 13, 1787.

Congress assembled---Present as yesterday.

On a report of the secretary for foreign affairs, to whom was referred a letter of the 20th February, 1787, from J. M. Pintard,

Resolved, That a commercial agent to reside at the port of Lisbon be appointed, who shall not be entitled to receive any salary, fees or emoluments of office.

Ordered, That Monday next be assigned for the election of the said commercial agent.

On

On a letter from Mr. A. Lee, a commiſſioner of the board of treaſury, ſtating that the ſituation of his affairs requires his preſence, and requeſting leave of abſence for ſix weeks,

Ordered, That leave of abſence be granted to him agreeably to his requeſt.

THURSDAY, *March* 15, 1787.

Congreſs aſſembled---Preſent as before.

MONDAY, *March* 19, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina and Georgia; and from Rhode-Iſland Mr. Varnum, and from Connecticut, Mr. Johnſon.

On a letter from Mr. T. Hutchins, requeſting leave of abſence for a week or ten days.

Ordered, That leave be granted.

TUESDAY, *March* 20, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina and Georgia; and from Rhode-Iſland, Mr. Varnum, and from South-Carolina, Mr. D. Huger, who produced credentials, whereby it appears that he is duly appointed a delegate to repreſent the ſtate of South-Carolina in Congreſs until the firſt Monday in November next.

WEDNESDAY, *March* 21, 1787.

Congreſs aſſembled---Preſent as yeſterday.

On a report of the board of treaſury to whom was referred the memorial of Col. Marinus Willet, together with a report of the commiſſioner of army accounts, and a committee of Congreſs on the ſaid report,

Reſolved, That the commiſſioner of army accounts ſettle

tle with ſuch of the officers and men of the regiment lately commanded by Col. Marinus Willet, as were in the actual ſervice of the United States, during the year 1783, for all arrears of pay and ſubſiſtence, reſpectively due to them.

On the report of the ſecretary to the United States for the department of foreign affairs, to whom was referred a letter of 4th March, 1786, from Mr. J. Adams, miniſter plenipotentiary of the United States of America at the court of London, together with the memorial of the ſaid miniſter, dated the 30th November, 1785, and preſented by him on the 8th of December following to his Britannic majeſty's ſecretary of ſtate; and the anſwer received by Mr. Adams to the ſaid memorial, and contained in a letter from the ſaid ſecretary of ſtate, dated at "St. James's, February 28, 1786," and other papers accompanying the ſame;

Congreſs unanimouſly agreed to the following reſolutions;

Reſolved, That the legiſlatures of the ſeveral ſtates cannot of right paſs any act or acts. for interpreting, explaining, or conſtruing a national treaty or any part or clauſe of it; nor for reſtraining, limiting or in any manner impeding, retarding or counteracting the operation and execution of the ſame, for that on being conſtitutionally made, ratified and publiſhed, they become in virtue of the confederation, part of the law of the land, and are not only independent of the will and power of ſuch legiſlatures, but alſo binding and obligatory on them.

Reſolved, That all ſuch acts or parts of acts as may be now exiſting in any of the ſtates, repugnant to the treaty of peace, ought to be forthwith repealed, as well to prevent their continuing to be regarded as violations of that treaty as to avoid the diſagreeable neceſſity there might otherwiſe be of raiſing and diſcuſſing queſtions touching their validity and obligation.

Reſolved, That it be recommended to the ſeveral ſtates to make ſuch repeal rather by deſcribing than reciting the ſaid acts, and for that purpoſe to paſs an act declaring in general

general terms, that all ſuch acts and parts of acts, repugnant to the treaty of peace between the United States and his Britannic majeſty, or any article thereof, ſhall be and thereby are repealed, and that the courts of law and equity in all cauſes and queſtions cognizable by them reſpectively, and ariſing from or touching the ſaid treaty, ſhall decide and adjudge according to the true intent and meaning of the ſame, any thing in the ſaid acts or parts of acts to the contrary thereof in anywiſe notwithſtanding.

THURSDAY, *March* 22, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia and North-Carolina; and from Rhode-Iſland, Mr. Varnum, and from Georgia, Mr. Pierce.

FRIDAY, *March* 23, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, Connecticut, New-York, New-Jerſey, Pennſylvania, Virginia, North-Carolina and Georgia; and from Rhode-Iſland, Mr. Varnum.

On the report of a committee conſiſting of Mr. Grayſon, Mr. Varnum and Mr. Mitchell, to whom was referred a memorial of Mathias Ogden,

Reſolved, That the poſt-maſter-general take order for the payment of the quarter's wages to Mathias Ogden for the tranſportation of the mail.

On the report of a committee conſiſting of Mr. King, Mr. Johnſon, Mr. Dane, Mr. Madiſon and Mr. Clarke, appointed to conſider the reductions neceſſary to be made in the civil liſt department.

Whereas the preſent deranged condition of the national revenues and the numerous demands on the federal treaſury, are not only conſiderations of the moſt ſerious weight and importance, but juſtly operate as powerful motives in favor of every economical reform which can with ſafety be adopted in the public expenditures,

Reſolved, That the ſum to be alloted to the ſupport of the

the houſehold of the preſident of Congreſs, including the ſalaries of the ſteward and private ſecretary, houſe rent and all other expences, ſhall not exceed a ſum at the rate of eight thouſand dollars annually.

Reſolved, That the ſalaries of the following officers be reduced, and that from and after the preſent quarter

The annual ſalary of the ſecretary of Congreſs be at the rate of two thouſand ſix hundred dollars.

That the ſecretary to the United States for the department of foreign affairs, at the rate of three thouſand five hundred dollars.

That of each of the commiſſioners of the board of treaſury at the rate of two thouſand two hundred and fifty dollars.

That of the ſecretary of the board of treaſury, at the rate of fifteen hundred dollars.

That of the treaſurer, at the rate of twelve hundred and fifty dollars.

That of the comptroller of the treaſury, at the rate of fifteen hundred dollars.

That of the auditor, at the rate of eight hundred dollars.

That of the deputy-ſecretary of Congreſs, at the rate of eight hundred dollars.

That of the deputy-ſecretary of foreign affairs, at the rate of eight hundred dollars.

That of the ſteward of the preſident's houſehold, at the rate of three hundred dollars.

That of the private ſecretary of the preſident, at the rate of three hundred dollars.

And that of the geographer, at the rate of fifteen hundred dollars for ſuch time as he may be actually employed in the public ſervice.

Reſolved, That the ſervices and duties of the paymaſter-general be, and hereby are united with thoſe of the commiſſioner of army accounts, and that the ſaid commiſſioner, after the expiration of the preſent quarter, be allowed in full for his ſervices as commiſſioner and paymaſter-general, a ſalary at the rate of twelve hundred and fifty dollars annually.

Reſolved,

Resolved, That in no case after the expiration of the present quarter, there be allowed to any person employed as an assistant or clerk in any of the departments under Congress, a salary exceeding the rate of four hundred and fifty dollars annually; and that no door-keeper or messenger, except those of Congress, be allowed more than one hundred and fifty dollars annually.

Resolved, That from and after the present quarter, there be annually allowed to each of the commissioners of the continental loan-office, in full for all services and duties which are or may be annexed to their respective offices, and also in full for office rent, clerks and every other charge, except that of stationary, at the rate of the following sums:

For New-Hampshire	six hundred and fifty dollars,
Massachusetts	fifteen hundred dollars,
Rhode-Island	six hundred dollars,
Connecticut	one thousand dollars,
New-York	one thousand dollars,
New-Jersey	seven hundred dollars,
Pennsylvania	fifteen hundred dollars,
Delaware	six hundred dollars,
Maryland	one thousand dollars,
Virginia	fifteen hundred dollars,
North-Carolina	one thousand dollars,
South-Carolina	eight hundred dollars,
Georgia	six hundred dollars.

Provided, that in those cases where, in the judgment of the board of treasury, the public interest may require the employment of one or more clerks in any of the loan-offices at the public expence, the said board be, and hereby are authorised to continue in employ such clerk or clerks, not exceeding the term of three months after the expiration of the present quarter.

MONDAY, *March* 26, 1787.

Congress assembled---Present, Massachusetts, Connecticut,

necticut, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina and Georgia.

Mr. John B. Aſhe, a delegate for North-Carolina, attended, and produced credentials of his appointment, whereby it appears that he is duly appointed to repreſent the ſaid ſtate in Congreſs, until the firſt Monday in November next, in the room of Charles Johnſon, Eſq. reſigned.

TUESDAY, *March* 27, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, and Virginia.

WEDNESDAY, *March* 28, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina and Georgia; and from Rhode-Iſland, Mr. Varnum, and from South-Carolina, Mr. Huger.

The delegates of New-Jerſey having moved as follows;

"Whereas the legiſlature of New-Jerſey did by their reſolution of the 23d of November laſt, empower his excellency governor Livingſton to apply to Congreſs for the loan of five braſs field pieces for the uſe of the ſaid ſtate; and whereas the governor of the ſaid ſtate, in purſuance of the aforementioned reſolution, has written to the delegates of New-Jerſey, to apply to the United States in Congreſs aſſembled for the ſame, the ſaid delegates, in conformity with the governor's requeſt, ſubmit the following reſolutions:---1ſt. That the ſecretary at war deliver to the order of governor Livingſton, from the arſenals of the United States, five braſs field pieces, three or four pounders, for the uſe of the ſtate of New-Jerſey, for the return of which, when demanded by Congreſs, the governor of the ſaid ſtate ſhall be perſonally reſponſible; and alſo for their value in caſe of damage or loſs, unleſs they ſhould

not

not be demanded before a war between the United States and any other power, and they happen to be loſt in an engagement with the enemy, in which caſe their loſs ſhall be deemed a national loſs. 2d. That the ſecretary at war take a receipt of governor Livingſton for the ſaid artillery, expreſſing the governor's perſonal reſponſibility for their return on the terms and conditions mentioned in the foregoing reſolution."

A motion was made by Mr. Smith, ſeconded by Mr. Pierce, to poſtpone the conſideration of the above motion, in order to take up the following;

"That however deſirous Congreſs may be, on every occaſion, to comply with the requeſt of the ſtate of New-Jerſey, they cannot with a due regard for the public ſafety, eſtabliſh a precedent for diſperſing the field artillery or military ſtores of the United States, by loaning the ſame to individual ſtates; but earneſtly recommend it to every ſtate, not ſupplied with ſuch artillery or ſtores, to procure them without delay, purſuant to the ſixth article of the confederation."

And on the queſtion to poſtpone for the purpoſe above-mentioned, the yeas and nays being required by Mr. Smith,

Maſſachuſetts,	Mr. King	*ay*	*ay*
	Mr. Dane	*ay*	
Rhode-Iſland,	Mr. Varnum	*no*	*
Connecticut,	Mr. Johnſon	*ay*	*ay*
	Mr. S. M. Mitchell	*ay*	
New-York,	Mr. Smith	*ay*	*ay*
	Mr. Haring	*ay*	
New-Jerſey,	Mr. Cadwallader	*no*	*no*
	Mr. Clarke	*no*	
	Mr. Schuerman	*no*	
Pennſylvania,	Mr. St. Clair	*ay*	*ay*
	Mr. Irvine	*ay*	
Delaware	Mr. N. Mitchell	*no*	*no*
	Mr. Kearny	*no*	
Virginia,	Mr. Grayſon	*ay*	*ay*
	Mr. Carrington	*ay*	
	Mr. Madiſon	*ay*	

North-Carolina,

North-Carolina,	Mr. Blount	ay } ay
	Mr. Hawkins	ay
	Mr. Ashe	ay
South-Carolina,	Mr. Huger	ay]
Georgia,	Mr. Few	no } dd
	Mr. Pierce	ay

So the question was lost.

A question being then taken to agree to the motion of the delegates of New-Jersey, the same was lost.

THURSDAY, *March* 29, 1787.

Congress assembled---Present as yesterday.

FRIDAY, *March* 30, 1787.

Congress assembled---Present as before.

MONDAY, *April* 2, 1787.

Congress assembled---Present, Massachusetts, Connecticut, New-York, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia; and from Rhode-Island, Mr. Varnum.

TUESDAY, *April* 3, 1787.

Congress assembled---Present as yesterday.

WEDNESDAY, *April* 4, 1787.

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia; and from Rhode-Island, Mr. Varnum, and from South-Carolina, Mr. Huger.

THURSDAY, *April* 5, 1787.

Congress assembled---Present as before.

On

On a report of the board of treasury, to whom was referred a memorial of William Mumford and Joshua Dawson, clerks to Benjamin Stelle, late commissioner for adjusting the accounts of the state of Pennsylvania;

Ordered, That the memorialists be informed that the prayer of their memorial cannot be complied with.

MONDAY, *April* 9, 1787.

Congress assembled---Present, Massachusetts, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia; and from South-Carolina, Mr. Huger.

Mr. Peleg Arnold, a delegate for Rhode-Island, attended, and produced the credentials of his appointment, whereby it appears that he is duly appointed a delegate to represent said state in Congress, until the first Monday in November next.

The report of the committee, consisting of Mr. Varnum, Mr. Carrington, Mr. King, Mr. Few and Mr. Madison, being amended as follows, viz.

Resolved, That two companies of artillery be formed out of the troops already inlisted in the state of Massachusetts, in pursuance of the resolution of the 20th of October, 1786.

That the secretary at war take order for arranging the same, with the proper proportion of officers.

That all the remaining troops which have been inlisted in any of the states, under the said resolutions, be discharged, and a stop put to any further inlistments.

That all the officers appointed under the said resolutions, except those necessary for the said two companies, be discharged.

Resolved, That the board of treasury take order for the payment of the officers and soldiers discharged as aforesaid.

Ordered, That the foregoing resolutions be transmitted to the secretary at war, and that he, without delay, direct the two companies of artillery to be marched from

Boston

Boſton to Springfield, and upon their arrival at that poſt, that he put in operation the reſolutions aforeſaid, for the diſcharge of the troops raiſed by the ſtate of Connecticut, and now at Springfield.

On the queſtion to agree to the above reſolutions; the yeas and nays being required by Mr. King,

Maſſachuſetts,	Mr. King	no	no
	Mr. Dane	no	
Rhode-Iſland,	Mr. Varnum	no	no
	Mr. Arnold	no	
Connecticut,	Mr. Johnſon	ay	ay
	Mr. S. M. Mitchell	ay	
New-York,	Mr. Smith	no	dd
	Mr. Haring	ay	
New-Jerſey,	Mr. Clarke	ay	ay
	Mr. Scheurman	ay	
Pennſylvania,	Mr. St. Clair	ay	ay
	Mr. Pettit	ay	
	Mr. Irvine	ay	
Delaware,	Mr. N. Mitchell	ay	ay
	Mr. Kearny	ay	
Virginia,	Mr. Grayſon	no	ay
	Mr. Carrington	ay	
	Mr. Madiſon	ay	
North-Carolina,	Mr. Blount	ay	ay
	Mr. Hawkins	ay	
	Mr. Aſhe	ay	
South-Carolina,	Mr. Huger	ay	*
Georgia,	Mr. Few	ay	ay
	Mr. Pierce	ay	

So it was reſolved in the affirmative.

TUESDAY, *April* 10, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina and Georgia.

A

A motion was made by Mr. Kearny, ſeconded by Mr. Blount,

Reſolved, That on the laſt Friday in the preſent month, Congreſs will adjourn, to meet on the firſt Monday in June next, at the city of Philadelphia, in the ſtate of Pennſylvania, and the preſident of Congreſs is hereby authoriſed and directed, on the ſaid laſt Friday in the preſent month, to adjourn Congreſs to the ſaid firſt Monday in June next, to meet in the city of Philadelphia, in the ſtate of Pennſylvania, and that the ſecretary of Congreſs and the heads of the ſeveral departments, take order for the removal of the books and papers belonging to their reſpective offices to the ſaid city of Philadelphia.

A motion was then made by Mr. Varnum to amend the motion by ſtriking out the words "at the city of Philadelphia, in the ſtate of Pennſylvania," and in lieu thereof to inſert "Newport, in the ſtate of Rhode-Iſland and Providence plantations."

And on the queſtion to agree to this amendment, the yeas and nays being required by Mr. Varnum.

Maſſachuſetts,	Mr. King	*no*	*no*
	Mr. Dane	*no*	
Rhode-Iſland,	Mr. Varnum	*ay*	*ay*
	Mr. Arnold	*ay*	
Connecticut,	Mr. Johnſon	*no*	*no*
	Mr. S. M. Mitchell	*no*	
New-York,	Mr. Smith	*no*	*no*
	Mr. Haring	*no*	
New-Jerſey,	Mr. Clarke	*no*	*no*
	Mr. Scheurman	*no*	
Pennſylvania,	Mr. St. Clair	*no*	*no*
	Mr. Pettit	*no*	
	Mr. Irvine	*no*	
Delaware,	Mr. N. Mitchell	*no*	*no*
	Mr. Kearny	*no*	
Virginia,	Mr. Grayſon	*no*	*no*
	Mr. Carrington	*no*	
	Mr. Madiſon	*no*	

North-Carolina

North-Carolina,	Mr. Blount	no	no
	Mr. Hawkins	no	
	Mr. Ashe	no	
Georgia,	Mr. Few	no	no
	Mr. Pierce	no	

So it passed in the negative.

A motion was then made by Mr. King, to amend the motion by striking out the following words, "at the city of Philadelphia, in the state of Pennsylvania, and, to meet in the said city of Philadelphia, in the state of Pennsylvania, and that the secretary of Congress and the heads of the several departments, take order for the removal of the books and papers belonging to their respective offices to the said city of Philadelphia," so that it read, resolved that on the last Friday in the present month Congress will adjourn to meet on the first Monday in June next, and the president of Congress is hereby authorised and directed on the said last Friday in the present month to adjourn Congress to the said first Monday in June next.

And on the question, shall these words stand, the yeas and nays being required by Mr. Kearny.

Massachusetts,	Mr. King	no	no
	Mr. Dane	no	
Rhode-Island.	Mr. Varnum	ay	ay
	Mr. Arnold	ay	
Connecticut,	Mr. Johnson	no	no
	Mr. S. M. Mitchell	no	
New-York,	Mr. Smith,	no	no
	Mr. Haring	no	
New-Jersey,	Mr. Clarke	ay	ay
	Mr. Scheurman	ay	
Pennsylvania,	Mr. St. Clair	ay	ay
	Mr. Pettit	ay	
	Mr. Irvine	ay	
Delaware,	Mr. N. Mitchell	ay	ay
	Mr. Kearny	ay	

Virginia,

Virginia,	Mr. Grayson	ay	ay
	Mr. Carrington	ay	
	Mr. Madison	ay	
North-Carolina,	Mr. Blount	ay	ay
	Mr. Hawkins	ay	
	Mr. Ashe	ay	
Georgia,	Mr. Few	ay	ay
	Mr. Pierce	ay	

So it was resolved in the affirmative.

A motion was then made by Mr. King to strike out the following words; "on the last Friday in the present month." And when the question was about to be put, the yeas and nays being required, the determination thereof was put off till to-morrow, by the state of Massachusetts.

On motion of Mr. Clarke, seconded by Mr. Grayson;

Resolved, That the right of a state under the 22d article of the rules of the house, to put off the decision of a question, shall be construed to relate only to the final question, on the entire ordinance or proposition depending, and not to any motion for amendment.

WEDNESDAY, *April* 11, 1787.

Congress assembled---Present, Massachusetts, Rhode-Island, Conuecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia; and from South-Carolina, Mr. Huger.

The determination of the question which was yesterday put off by the state of Massachusetts, was postponed by order of the house.

On motion of Mr. King seconded by Mr. Pierce;

Resolved, That the powers and duties of the commissioner appointed on the part of the United States, in pursuance of the resolution of the 13th April, 1785, be united with those of the commissioner of army accounts, and that he be directed forthwith to proceed to the state of Virginia, in the place of Mr. Fox, who has declined

proceeding in this commiſſion without an augmentation of his pay.

Reſolved, That the ſalary of the commiſſioner of army accounts, ceaſe during the time he ſhall be employed in purſuance of the foregoing reſolution, and that he be allowed during that term the pay heretofore eſtabliſhed for that ſervice.

Reſolved, That the commiſſioner of army accounts be authoriſed to appoint ſome ſuitable perſon to conduct the buſineſs of that office, during his abſence at a ſalary not exceeding the rate of 800 dollars annually.

On the report of the agent of marine, to whom it was referred to report to Congreſs a reaſonable allowance per day for naval officers employed on courts martial;

Reſolved, That ſuch naval officers as have been or ſhall be employed on courts martial, out of the ſtates of their reſidence, or in a ſtate where the ſhips or veſſels of war to which they were or may be attached, did not or ſhall not lie at the time of their being ſo employed, be, and they are hereby entitled to an extra allowance of three dollars and one third of a dollar per day each, in addition to the pay and ſubſiſtence to which they were intitled by former acts of Congreſs.

That the ſaid extra allowance commence on the day ſuch officer or officers ſhall ſet out from his or their place of reſidence, or from the ſhip or veſſel of war to which they were or may be attached at the time, and continue until they return to their ſaid reſidence, ſhip, or veſſel of war, allowing to each a reaſonable time for going to and returning from the place of the ſitting of ſuch court.

THURSDAY, *April* 12, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, Rhode-Iſland, Connecticut, New-York, Pennſylvania, Delaware, Virginia, North-Carolina and Georgia; and from New-Jerſey, Mr. Clarke, and from South-Carolina, Mr. Huger.

The report of the committee conſiſting of Mr. Varnum, Mr. King and Mr. Smith, being amended;

Reſolved,

Resolved, That the commissioner of army accounts, in the settlement of the accounts of William Irvine, late a brigadier-general in the army of the United States, allow him in addition to the emoluments of his grade, such sum as, from a fair representation of his expences during his command at Fort-Pitt, may appear to him reasonable.

FRIDAY, *April* 13, 1787.

Congress assembled---Present, Massachusetts, Rhode-Island, Connecticut, New-York, Pennsylvania, Virginia, North-Carolina and Georgia; and from New-Jersey, Mr. Clarke, from Delaware, Mr. Kearny, and from South-Carolina, Mr. Huger.

The secretary for foreign affairs, having in pursuance of an order of Congress, reported the draught of a letter to the states to accompany the resolutions, passed the 21st day of March, 1787, the same was taken into consideration, and unanimously agreed to as follows;

SIR,

Our secretary for foreign affairs has transmitted to you copies of a letter to him from our minister at the court of London, of the 4th day of March, 1786, and of the papers mentioned to have been enclosed with it.

We have deliberately and dispassionately examined and considered the several facts and matters urged by Britain as infractions of the treaty of peace on the part of America, and we regret that in some of the states too little attention appears to have been paid to the public faith pledged by that treaty.

Not only the obvious dictates of religion, morality and national honor, but also the first principles of good policy, demand a candid and punctual compliance with engagements constitutionally and fairly made.

Our national constitution having committed to us the management of the national concerns with foreign states and powers, it is our duty to take care that all the rights which they ought to enjoy within our jurisdiction by the laws of nations and the faith of treaties, remain inviolate.

And

And it is alſo our duty to provide that the eſſential intereſts and peace of the whole confederacy be not impaired or endangered by deviations from the line of public faith, into which any of its members may from whatever cauſe be unadviſedly drawn.

Let it be remembered that the Thirteen Independent Sovereign States have, by expreſs delegation of power, formed and veſted in us a general though limited ſovereignty, for the general and national purpoſes ſpecified in the confederation. In this ſovereignty they cannot ſeverally participate (except by their delegates) nor with it have concurrent juriſdiction; for the ninth article of the confederation moſt expreſsly conveys to us the ſole and *excluſive* right and power of determining on *war* and *peace*, and of entering into *treaties* and alliances, &c.

When therefore a treaty is conſtitutionally made, ratified and publiſhed by us, it immediately becomes binding on the whole nation, and ſuperadded to the laws of the land, without the intervention of ſtate legiſlatures. Treaties derive their obligation from being compacts between the ſovereign of this and the ſovereign of another nation; whereas laws or ſtatutes derive their force from being the acts of a legiſlature competent to the paſſing of them. Hence it is clear that treaties muſt be implicitly received and obſerved by every member of the nation; for as ſtate legiſlatures are not competent to the making of ſuch compacts or treaties, ſo neither are they competent in that capacity, authoritatively to decide on, or aſcertain the conſtruction and ſenſe of them. When doubts ariſe reſpecting the conſtruction of ſtate laws, it is not unuſual nor improper for the ſtate legiſlatures, by explanatory or declaratory acts, to remove thoſe doubts: but the caſe between laws and compacts or treaties is in this widely different; for when doubts ariſe reſpecting the ſenſe and meaning of a treaty, they are ſo far from being cognizable by a ſtate legiſlature, that the United States in Congreſs aſſembled have no authority to ſettle and determine them: for as the legiſlature only, which conſtitutionally paſſes a law, has power to reviſe and amend it, ſo the ſovereigns only, who are

parties

parties to the treaty, have power by mutual consent and posterior articles, to correct or explain it.

In cases between individuals, all doubts respecting the meaning of a treaty, like all doubts respecting the meaning of a law, are in the first instance mere judicial questions, and are to be heard and decided in the courts of justice having cognizance of the causes in which they arise, and whose duty it is to determine them according to the rules and maxims established by the laws of nations for the interpretation of treaties. From these principles it follows of necessary consequence, that no individual state has a right by legislative acts to decide and point out the sense in which their particular citizens and courts shall understand this or that article of a treaty.

It is evident that a contrary doctrine would not only militate against the common and established maxims and ideas relative to this subject, but would prove no less inconvenient in practice than it is irrational in theory; for in that case the same article of the same treaty might by law be made to mean one thing in New-Hampshire, another thing in New-York, and neither the one nor the other of them in Georgia.

How far such legislative acts would be valid and obligatory even within the limits of the state passing them. is a question which we hope never to have occasion to discuss. Certain however it is that such acts cannot bind either of the contracting sovereigns, and consequently cannot be obligatory on their respective nations.

But if treaties, and every article in them, be (as they are and ought to be) binding on the whole nation, if individual states have no right to accept some articles and reject others, and if the impropriety of state acts to interpret and decide the sense and construction of them, be apparent, still more manifest must be the impropriety of state acts to controul, delay or modify the operation and execution of these national compacts.

When it is considered that the several states assembled by their delegates in Congress, have express power to form treaties, surely the treaties so formed are not afterwards

wards to be subject to such alterations as this or that state legislature may think expedient to make, and that too without the consent of either of the parties to it,--that is in the present case without the consent of all the United States, who collectively are parties to this treaty on the one side, and his Britannic Majesty on the other. Were the legislatures to possess and to exercise such power, we should soon be involved as a nation, in anarchy and confusion at home, and in disputes which would probably terminate in hostilities and war with the nations with whom we may have formed treaties. Instances would then be frequent of treaties fully executed in one state, and only partly executed in another; and of the same article being executed in one manner in one state, and in a different manner, or not at all, in another state. History furnishes no precedent of such liberties taken with treaties under form of law in any nation.

Contracts between nations, like contracts between individuals, should be faithfully executed, even though the sword in the one case, and the law in the other, did not compel it. Honest nations, like honest men, require no constraint to do justice; and though impunity and the necessity of affairs may sometimes afford temptations to pare down contracts to the measure of convenience, yet it is never done but at the expence of that esteem, and confidence, and credit which are of infinitely more worth than all the momentary advantages which such expedients can extort.

But although contracting nations cannot, like individuals, avail themselves of courts of justice to compel performance of contracts; yet an appeal to heaven and to arms is always in their power, and often in their inclination.

But it is their duty to take care that they never lead their people to make and support such appeals, unless the sincerity and propriety of their conduct affords them good reason to rely with confidence on the justice and protection of heaven.

Thus much we think it useful to observe, in order to explain

explain the principles on which we have unanimouſly come to the following reſolution, viz.

"*Reſolved*, That the legiſlatures of the ſeveral ſtates cannot of right paſs any act or acts for interpreting, explaining or conſtruing a national treaty, or any part or clauſe of it; nor for reſtraining, limiting, or in any manner impeding, retarding or counteracting the operation and execution of the ſame; for that on being conſtitutionally made, ratified and publiſhed, they become in virtue of the confederation, part of the law of the land, and are not only independent of the will and power of ſuch legiſlatures, but alſo binding and obligatory on them."

As the treaty of peace, ſo far as it reſpects the matters and things provided for in it, is a law to the United States which cannot by all or any of them be altered or changed, all ſtate acts eſtabliſhing proviſions relative to the ſame objects which are incompatible with it muſt in every point of view be improper: ſuch acts do nevertheleſs exiſt; but we do not think it neceſſary either to enumerate them particularly, or to make them ſeverally the ſubjects of diſcuſſion. It appears to us ſufficient to obſerve and inſiſt that the treaty ought to have free courſe in its operation and execution, and that all obſtacles interpoſed by ſtate acts be removed. We mean to act with the moſt ſcrupulous regard to juſtice and candour towards Great-Britain, and with an equal degree of delicacy, moderation and deciſion towards the ſtates who have given occaſion to theſe diſcuſſions.

For theſe reaſons we have in general terms

"*Reſolved*, That all ſuch acts, or parts of acts as may be now exiſting in any of the ſtates, repugnant to the treaty of peace, ought to be forthwith repealed; as well to prevent their continuing to be regarded as violations of that treaty, as to avoid the diſagreeable neceſſity there might otherwiſe be of raiſing and diſcuſſing queſtions touching their validity and obligation."

Although this reſolution applies ſtrictly only to ſuch of the ſtates as have paſſed the exceptionable acts alluded to, yet to obviate all future diſputes and queſtions, as well

as

as to remove those which now exist; we think it best that every state without exception should pass a law on the subject. We have therefore

"*Resolved*, That it be recommended to the several states to make such repeal rather by describing than reciting the said acts; and for that purpose to pass an act declaring in general terms that all such acts, and parts of acts repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and thereby are repealed; and that the courts of law and equity in all causes and questions cognizable by them respectively, and arising from or touching the said treaty, shall decide and adjudge accordingto the true intent and meaning of the same: any thing in the said acts, or parts of acts to the contrary thereof in any wise notwithstanding."

Such laws would answer every purpose, and be easily formed. The more they were of the like tenor throughout the states the better, they might each recite that

Whereas certain laws or statutes made and passed in some of the United States, are regarded and complained of as repugnant to the treaty of peace with Great-Britain, by reason whereof not only the good faith of the United States pledged by that treaty, has been drawn into question, but their essential interests under that treaty greatly affected. And whereas justice to Great-Britain, as well as regard to the honor and interests of the United States, require that the said treaty be faithfully executed, and that all obstacles thereto, and particularly such as do or may be construed to proceed from the laws of this state, be effectually removed. Therefore,

Be it enacted by and it is hereby enacted by the authority of the same, that such of the acts or parts of acts of the legislature of this state, as are repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and hereby are repealed. And further, that the courts of law and equity withinthis state be, and they hereby are directed and required in all causes and questions cognizable by them respectively, and arising from or touching the said

ſaid treaty, to decide and adjudge according to the tenor, true intent and meaning of the ſame, any thing in the ſaid acts or parts of acts, to the contrary thereof in any wiſe notwithſtanding.

Such a general law would, we think, be preferable to one that ſhould minutely enumerate the acts and clauſes intended to be repealed: becauſe omiſſions might accidentally be made in the enumeration, or queſtions might ariſe, and perhaps not be ſatisfactorily determined, reſpecting particular acts or clauſes, about which contrary opinions may be entertained. By repealing in general terms all acts and clauſes repugnant to the treaty, the buſineſs will be turned over to its proper department, viz. the judicial; and the courts of law will find no difficulty in deciding whether any particular act or clauſe is or is not contrary to the treaty. Beſides, when it is conſidered that the judges in general are men of character and learning, and feel as well as know the obligations of office and the value of reputation, there is no reaſon to doubt that their conduct and judgments relative to theſe, as well as other judicial matters, will be wiſe and upright.

Be pleaſed, ſir, to lay this letter before the legiſlature of your ſtate without delay. We flatter ourſelves they will concur with us in opinion that candour and juſtice are as neceſſary to true policy as they are to ſound morality, and that the moſt honorable way of delivering ourſelves from the embarraſſment of miſtakes, is fairly to correct them. It certainly is time that all doubts reſpecting the public faith be removed, and that all queſtions and differences between us and Great-Britain, be amicably and finally ſettled. The ſtates are informed of the reaſons why his Britannic Majeſty ſtill continues to occupy the frontier poſts which by the treaty he agreed to evacuate: and we have the ſtrongeſt aſſurances that an exact compliance with the treaty on our part, ſhall be followed by a punctual performance of it on the part of Great-Britain.

It is important that the ſeveral legiſlatures ſhould as ſoon as poſſible, take theſe matters into conſideration; and we

 requeſt

requeſt the favor of you to tranſmit to us an authenticated copy of ſuch acts and proceedings of the legiſlature of your ſtate, as may take place on the ſubject and in purſuance of this letter.

By order of Congreſs,
(Signed) ARTHUR St. CLAIR, Preſident.

MONDAY, *April* 16, 1787.

Three ſtates only attended, namely, Maſſachuſetts, Rhode-Iſland and Virginia; and from Connecticut, Mr. Johnſon, from New-York, Mr. Haring, from Pennſylvania, Mr. Pettit, from North-Carolina, Mr. Hawkins, and from Georgia, Mr. Pierce.

TUESDAY, *April* 17, 1787.

Six ſtates attended, namely, Maſſachuſetts, Rhode-Iſland, Connecticut, New-York, Virginia, North-Carolina and Georgia; and from New-Jerſey, Mr. Clarke, from Pennſylvania, Mr. Pettit, and from Delaware, Mr. Kearny.

WEDNESDAY, *April* 18, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, Virginia, North-Carolina and Georgia; and from Delaware, Mr. Kearny.

Mr. John Armſtrong, a delegate for Pennſylvania, attended and produced credentials, whereby it appears that on the 24th of March laſt, he was appointed a delegate to repreſent the ſaid ſtate.

An ordinance for ſettling the accounts between the United States and individual ſtates, was read a firſt time.

Ordered, That Friday next be aſſigned for the ſecond reading of the ſaid ordinance.

THURSDAY,

THURSDAY, *April* 19, 1787.

Congrefs affembled---Prefent as yefterday.

Mr. Henry Lee, a delegate for Virginia, attended and produced his credentials, by which it appears, that on the firft of December laft, he was appointed a delegate for that ftate, until the firft Monday in November next.

FRIDAY, *April* 20, 1787.

Congrefs affembled---Prefent as before.

SATURDAY, *April* 21, 1787.

Congrefs affembled---Prefent as before.

The committee confifting of Mr. Johnfon, Mr. King, Mr. Pierce, Mr. Clarke and Mr. Pettit, to whom was referred a report of the board of treafury on certain propofals for coining copper, having reported,

That the board of treafury be authorifed to contract for three hundred tons of copper coin of the federal ftandard, agreeably to the propofition of Mr. James Jarvis, provided that the premium to be allowed to the United States on the amount of the copper coin contracted for, be not lefs than 15 per cent. that it be coined at the expence of the contractor, but under the infpection of an officer appointed and paid by the United States; that the obligations to be given for the payment of the copper coin, to be delivered under fuch contract, be redeemable within years after the date thereof, with an option of difcharging the fame at an earlier period; that they bear an intereft not exceeding fix per cent. per annum, and that the principal and intereft accruing thereon be payable within the United States; that the whole of the monies arifing from the faid contract, fhall be facredly appropriated and applied to the reduction of the domeftic debt.

A motion was made by Mr. Madifon feconded by Mr. Few, to ftrike out the laft claufe; and on the queftion,

fhall

ſhall the laſt clauſe ſtand, viz. that the whole of the monies, &c. the yeas and nays being required by Mr. Pettit,

Maſſachuſetts,	Mr. King	ay	ay
	Mr. Dane	ay	
Rhode-Iſland,	Mr. Varnum	ay	ay
	Mr. Arnold	ay	
Connecticut,	Mr. Johnſon	ay	ay
	Mr. S. M. Mitchell	ay	
New-York,	Mr. Smith	ay	ay
	Mr. Benſon	ay	
New-Jerſey,	Mr. Clarke	ay	ay
	Mr. Scheurman	ay	
Pennſylvania,	Mr. St. Clair	ay	dd
	Mr. Pettit	ay	
	Mr. Meredith	no	
	Mr. Armſtrong	no	
Delaware,	Mr. Kearny	no	
Virginia,	Mr. Grayſon	no	no
	Mr. Madiſon	no	
	Mr. Carrington	no	
	Mr. Lee	no	
North-Carolina,	Mr. Hawkins	no	no
	Mr. Aſhe	no	
Georgia,	Mr. Few	no	dd
	Mr. Pierce	ay	

So the queſtion was loſt, and the clauſe was ſtruck out.

A clauſe being ſubſtituted in the room of that ſtruck out, and the blank filled, the whole was agreed to as follows;

Reſolved, That the board of treaſury be, and they are hereby authoriſed to contract for three hundred tons of copper coin of the federal ſtandard, agreeably to the propoſition of Mr. James Jarvis; provided that the premium to be allowed to the United States on the amount of copper coin contracted for, be not leſs than fifteen per cent. that it be coined at the expence of the contractor, but under the inſpection of an officer appointed and paid by the United States.

That

That the obligations to be given, for the payment of the copper coin to be delivered under ſuch contract, be redeemable within twenty years after the date thereof, that they bear an intereſt not exceeding ſix per cent. per annum, and that the principal and intereſt accruing thereon, be payable within the United States. That the whole of the aforeſaid loan ſhall be ſacredly appropriated and applied to the reduction of the domeſtic debt of the United States, and the premium thereon towards the payment of the intereſt of the foreign debt.

On a report of the board of treaſury, to whom it was referred to report a plan for ſelling for public ſecurities, the townſhips ſurveyed in the weſtern territory,

Reſolved, That after the ſecretary at war ſhall have drawn for the proportionate quantity of the lands already ſurveyed which were aſſigned to the late army agreeably to the ordinance of the 20th of May, 1785, the remainder ſhall be advertiſed for ſale in one of the news-papers at leaſt of each of the ſtates, and at the expiration of five months from this day, the ſale of the land ſhall commence in the place where Congreſs ſhall ſit, and continue from day to day until the ſame ſhall be diſpoſed of; provided that none of the land ſhall be ſold at a leſs price than one dollar per acre, and that the ſale ſhall be made agreeably to the mode pointed out by the ordinance aforeſaid.

Reſolved, That one third of the purchaſe money ſhall be immediately paid in any of the public ſecurities of the United States to the treaſurer of the ſaid ſtates, and that the remaining two thirds ſhall be paid in like manner in three months after the date of the ſale, on which payment (a certificate thereof being previouſly furniſhed by the treaſurer to the board of treaſury) titles to the lands ſhall be given to the purchaſers by the board of treaſury, agreeably to the terms preſcribed by the ſaid ordinance; provided, that if the ſecond payment ſhall not be made in three months as aforeſaid, the firſt payment ſhall be forfeited, and the land ſhall again be expoſed to ſale.

Ordered, That that the board of treaſury take the ne-

neceſſary

ceſſary meaſures for carrying the aforeſaid reſolutions into effect, and alſo for exhibiting the ſurveys of the lands.

When the foregoing act was under conſideration, a motion was made by Mr. Gorham, ſeconded by Mr. Carrington, to amend it by ſtriking out the words "in the place where Congreſs ſhall ſit," and in the room thereof inſerting "at Philadelphia." And on the queſtion to agree to the amendment, the yeas and nays being required by Mr. Mitchell,

Maſſachuſetts,	Mr. Gorham	*ay*	*no*
	Mr. King	*no*	
	Mr. Dane	*no*	
Rhode-Iſland,	Mr. Varnum	*ay*	*ay*
	Mr. Arnold	*ay*	
Connecticut,	Mr. Johnſon	*no*	*no*
	Mr. S.M. Mitchell	*no*	
New-York,	Mr. Smith	*no*	*no*
	Mr. Benſon	*no*	
New-Jerſey,	Mr. Clarke	*ay*	*ay*
	Mr. Scheurman	*ay*	
Pennſylvania,	Mr. St. Clair	*ay*	*ay*
	Mr. Pettit	*ay*	
	Mr. Meredith	*ay*	
	Mr. Armſtrong	*ay*	
Delaware,	Mr. Kearny	*ay*	*
Virginia,	Mr. Grayſon	*ay*	*ay*
	Mr. Madiſon	*ay*	
	Mr. Carrington	*ay*	
	Mr. Lee	*ay*	
North-Carolina,	Mr. Hawkins	*ay*	*ay*
	Mr. Aſhe	*ay*	
Georgia,	Mr. Few	*ay*	*ay*
	Mr. Pierce	*ay*	

So the queſtion was loſt

MONDAY, *April* 23, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, Rhode-Iſland,

land, New-York, New-Jerſey, Pennſylvania, Virginia, North-Carolina and Georgia; and from Connecticut, Mr. Johnſon, and from Delaware, Mr. Kearny.

On motion of Mr. Carrington, ſeconded by Mr. Johnſon;

Reſolved, That the privilege of ſending and receiving letters and packets, free of poſtage, be extended to the members of the convention to be held in Philadelphia, on the ſecond Monday in May next, in the ſame manner as is allowed to the members of Congreſs.

TUESDAY, *April* 24, 1787.

Congreſs aſſembled---Preſent as yeſterday.

On a report of the ſecretary at war to whom was referred his letter of the 16th, tranſmitting an extract of a letter from major Wyllys;

Reſolved, That the ſecretary at war direct the commanding officer of the troops of the United States on the Ohio, to take immediate and efficient meaſures for diſpoſſeſſing a body of men who have in a lawleſs and unauthoriſed manner taken poſſeſſion of poſt St. Vincents, in defiance of the proclamation and authority of the United States, and that he employ the whole or ſuch part of the force under his command, as he ſhall judge neceſſary to effect the object.

WEDNESDAY and THURSDAY, *April* 25 and 26, 1787.

Congreſs aſſembled---Preſent as before.

FRIDAY, *April* 27, 1787.

Six ſtates only attended.

TUESDAY, *May* 1, 1787.

Six ſtates attended, namely, Maſſachuſetts, New-York, Pennſylvania,

Pennſylvania, Virginia, North-Carolina and Georgia; and from Rhode-Iſland, Mr. Arnold, from Connecticut, Mr. Johnſon, from New-Jerſey, Mr. Scheurman, and from Delaware, Mr. Kearny.

WEDNESDAY, *May* 2, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, New-York, Pennſylvania, Virginia, North-Carolina and Georgia; and from Rhode-Iſland, Mr. Arnold, from Connecticut, Mr. Johnſon, and from Delaware, Mr. Kearny.

On a report of the committee conſiſting of Mr. Lee, Mr. Varnum and Mr. Pettit, to whom was referred a letter from the ſecretary at war, of Auguſt 1, 1786, recommending the ſale of certain damaged and uſeleſs military ſtores;

Reſolved, That the ſecretary at war be authoriſed and directed to ſell, at public auction, or otherwiſe, the arms, ammunition and other ſtores, deſignated in the following liſt, and that he account with the board of treaſury for the proceeds of the ſales, viz.

At Springfield,

413 old militia arms,
365 old militia gun barrels,
985 old gun locks.

At Weſt-Point.

50 or 60 tons of unſerviceable iron ordnance,
20 tons of old carriage iron,
2000 damaged muskets,
700 piſtols,
2 tons of ſalt petre,
1000lb. of rope,
A large number of ſaddles and horſe harneſs,
A quantity of carpenter's and blackſmith's tools,
12 barrels of tin,
Iron ſtoves and ſtove plates,
A number of wooden frames and buildings,
12 tons 10 C. 2 qrs. 13lb. damaged powder.

At

At Philadelphia.

574lb. ſhruff copper,
394lb. black lead,
157lb. antimony,
956lb. old junk,
517lb. desk furniture,
194 damaged muskets,
1066 damaged carbines,
4446 damaged musket barrels.

At Carliſle.

2572 pounds of paper ſorts,
5892 ditto nails,
15079 ditto bar iron
3600 ditto ſteel,
288 ditto antimony,
195 yards duck,
Blackſmith's tools,
2942 old musket locks,
121lb. iron wire,
62 ſides of tanned leather,
116 3-4lb. of copperas,
3673 damaged muskets,
1409 damaged cartridge boxes.

Virginia.

1 ton 3C. damaged powder.

THURSDAY, *May* 3, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, New-York, New-Jerſey, Pennſylvania, Maryland, Virginia, North-Carolina and Georgia; and from Delaware, Mr. Kearny, and from Rhode-Iſland, Mr. Arnold.

Mr. David Roſs and Mr. Nathaniel Ramſay, delegates for Maryland, attended and produced credentials, whereby it appears that they are appointed to repreſent the ſaid ſtate in Congreſs, for one year from the ſecond Monday in December, 1786.

The committee conſiſting of Mr. Gorham, Mr. Pettit and Mr. Grayſon, to whom was referred the memorial of John

Dean, jun. in behalf of John Dean and Henry Bowers, of Boſton, in the ſtate of Maſſachuſetts, praying that a ſea letter may be granted for the ſhip Friendſhip, Joſiah Roberts, commander, having reported,

That they are aſſured that the veſſel abovementioned, with her cargo, belongs to citizens of the United States, and is navigated by citizens of the United States.

Reſolved, That a ſea letter in the uſual form be granted.

On a report of the board of treaſury to whom was referred a motion for repealing the ſpecial requiſition of the 21ſt of October laſt, together with the reſolve directing the board of treaſury to open a loan on the credit of the ſaid requiſition;

Reſolved, That all monies accruing from the requiſition of the 21ſt of October laſt, or advanced by any of the ſtates, for the recruiting, ſubſiſting or cloathing of the troops directed to be raiſed by the reſolves of Congreſs, of the 20th of October laſt, be credited to ſuch ſtates on the ſpecie requiſition of 1784, 1785 or 1786, at the option of the ſtates reſpectively: provided, that no ſtate, having made ſuch advances, ſhall obtain credit therefor, till the accounts relative to the ſame, are adjuſted at the treaſury of the United States.

Reſolved, That the act of Congreſs of the 21ſt of October laſt, directing the board of treaſury to open a loan on the credit of the ſaid requiſition, be, and it is hereby repealed.

Congreſs proceeded to the conſideration of the report of the ſecretary of the United States, for the department of foreign affairs, to whom was referred his letter of 8th December laſt, to his excellency the preſident, with two commiſſions from his Britannic majeſty, dated the 5th day of April, 1786, the one conſtituting Phineas Bond, Eſq. his conſul, for New-York, New-Jerſey, Pennſylvania, Delaware and Maryland; the other conſtituting him his majeſty's commiſſary for commercial affairs throughout the United States, and Congreſs approved of the ſaid report, and agreed to the following reſolutions, to wit.

"Whereas

"Whereas Phineas Bond, Esq. has presented to the United States in Congress assembled, a commission in due form, bearing date the 5th April, 1786, from his Britannic majesty, constituting and appointing him the consul of his said majesty in the states of New-York, New-Jersey, Pennsylvania, Delaware and Maryland, and altho' no commercial treaty or convention subsists between his majesty and the United States whereby either have a perfect right to establish consuls or commissaries in the dominions of the other, yet as the United States are disposed by every proper mark of liberality and attention to promote a good correspondence between the two countries, and particularly as amicable negotiations are now depending between them."

Resolved, That the said Phineas Bond, Esq. be, and he hereby is received and recognized as the consul of his Britannic majesty throughout the states of New-York, New-Jersey, Pennsylvania Delaware and Maryland, and that his commission be registered in the secretary's office.

Resolved, That all the privileges, pre-eminences and authority which the laws of nations and of the land give to a consul received by the United States from any any nation with whom they have no commercial treaty or convention, are due to, and shall be enjoyed by the said Phineas Bond, as consul for the five states abovementioned, and that certified copies of these resolutions be transmitted to the executives of the said five states for their information.

FRIDAY, *May* 4, 1787.

Congress assembled---Present as before.

An ordinance for settling the accounts between the United States and individual states, was read a second time.

Ordered, That Monday next be assigned for the third reading of the said ordinance.

Ordered, That Monday next be assigned for the electing

two

two commiſſioners for ſettling the accounts of the five great departments.

MONDAY, *May* 7, 1787.

Congreſs aſſembled, Preſent, Maſſachuſetts, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina and Georgia; and from Rhode-Iſland, Mr. Arnold.

Congreſs proceeded to the election of two commiſſioners for ſettling the accounts of the five great departments, and the ballots being taken,

Mr. *Jonathan Burrall* was unanimouſly elected a commiſſioner for ſettling the accounts of the quartermaſter's and commiſſary's departments, having been previouſly nominated by Mr. Pettit.

Mr. *Benjamin Walker* was unanimouſly elected commiſſioner for ſettling the accounts of the hoſpital, marine and clothier's departments, having been previouſly nominated by Mr. King.

Congreſs reſumed the conſideration of the ordinance for ſettling the accounts between the United States and individual ſtates, and the following clauſe being under debate, viz.

"And be it further ordained, that wherever it ſhall appear to the ſaid board of commiſſioners, that advances or diſburſements of the deſcription aforeſaid, have been made by any of the ſtates, that the ſaid commiſſioners be, and they are hereby veſted with full power and authority to make ſuch allowance for the ſame, as they ſhall think conſiſtent with the principles of general equity."

A motion was made by Mr. Benſon, ſeconded by Mr. Smith, to amend the clauſe, ſo that it read as follows:

And be it further ordained, that wherever it ſhall appear to the ſaid board of commiſſioners, that advances or diſburſements have been made by any of the ſtates, for articles or ſervices for the uſe of the United States, that the ſaid commiſſioners be, and they are hereby veſted with full power and authority to make ſuch allowance for the

ſame

ſame, as they ſhall think conſiſtent with the principles of general equity, although ſuch advances or diſburſements may not be ſanctioned by the reſolves of Congreſs, or ſupported by regular vouchers.

On the queſtion to agree to this amendment, the yeas and nays being required by Mr. Grayſon;

Maſſachuſetts,	Mr. Gorham	no	no
	Mr. Dane	no	
Rhode-Iſland,	Mr. Arnold	ay	*
New-York,	Mr. Smith	ay	ay
	Mr. Haring	ay	
	Mr. Benſon	ay	
New-Jerſey,	Mr. Clarke	ay	ay
	Mr. Scheurman	ay	
Pennſylvania,	Mr. St. Clair	ay	ay
	Mr. Pettit	ay	
	Mr. Meredith	ay	
Delaware,	Mr. Mitchell	ay	dd
	Mr. Kearny	no	
Maryland,	Mr. Roſs	ay	ay
	Mr. Ramſay	ay	
Virginia,	Mr. Grayſon	no	ay
	Mr. Carrington	ay	
	Mr. Lee	ay	
North-Carolina,	Mr. Hawkins	ay	ay
	Mr. Aſhe	ay	
Georgia,	Mr. Few	ay	ay
	Mr. Pierce	ay	

So it was reſolved in the affirmative.

The following clauſe being under debate, viz.

"And whereas it is eſſential to the welfare of the confederacy, that the accounts of the ſeveral ſtates ſhould be ſpeedily adjuſted; that this adjuſtment ſhould be effected on uniform principles, and that proviſion ſhould be made for allowing ſuch diſburſements as may have been made by the reſpective ſtates for the benefit of the union, although the

the ſame be not ſanctioned by the reſolves of Congreſs, or ſupported by regular vouchers."

A motion was made by Mr. Benſon to ſtrike out "benefit," and in lieu thereof to inſert "uſe."

And on the queſtion to agree to this amendment, the yeas and nays being required by Mr. Grayſon;

Maſſachuſetts,	Mr. Gorham	*no*	*no*
	Mr. Dane	*no*	
Rhode-Iſland,	Mr. Arnold	*ay* *	
New-York,	Mr. Smith	*ay*	*ay*
	Mr. Haring	*ay*	
	Mr. Benſon	*ay*	
New-Jerſey,	Mr. Clarke	*ay*	*ay*
	Mr. Scheurman	*ay*	
Pennſylvania,	Mr. St. Clair	*ay*	*ay*
	Mr. Pettit	*ay*	
	Mr. Meredith	*ay*	
Delaware,	Mr. Mitchell	*ay*	*dd*
	Mr. Kearny	*no*	
Maryland,	Mr. Roſs	*ay*	*ay*
	Mr. Ramſay	*ay*	
Virginia,	Mr. Grayſon	*no*	*ay*
	Mr. Carrington	*ay*	
	Mr. Lee	*ay*	
North-Carolina,	Mr. Hawkins	*ay*	*ay*
	Mr. Aſhe	*ay*	
Georgia,	Mr. Few	*ay*	*ay*
	Mr. Pierce	*ay*	

So it was reſolved in the affirmative.

The ordinance being amended and read a third time; on the queſtion ſhall this ordinance paſs, the yeas and nays being required by Mr. Clarke:

Maſſachuſetts,	Mr. Gorham	*ay*	*ay*
	Mr. Dane	*ay*	
Rhode-Iſland,	Mr. Arnold	*ay* *	

New-York,

New-York,	Mr. Smith	ay	ay
	Mr. Haring	ay	
	Mr. Benſon	ay	
New-Jerſey,	Mr. Clarke	ay	ay
	Mr. Schuerman	ay	
Pennſylvania,	Mr. St. Clair	ay	ay
	Mr. Pettit	ay	
	Mr. Meredith	ay	
Delaware	Mr. Mitchell	ay	ay
	Mr. Kearny	ay	
Maryland,	Mr. Roſs	ay	ay
	Mr. Ramſay	ay	
Virginia,	Mr. Grayſon	ay	ay
	Mr. Carrington	ay	
	Mr. Lee	ay	
North-Carolina,	Mr. Hawkins	ay	ay
	Mr. Aſhe	ay	
Georgia,	Mr. Few	ay	ay
	Mr. Pierce	ay	

So it paſſed unanimouſly as follows:

An ordinance for ſettling the accounts between the United States and individual ſtates.

Be it ordained by the United States in Congreſs aſſembled, that five commiſſioners be appointed by the board of treaſury, whoſe duty it it ſhall be to go to the ſeveral ſtates in the diſtricts hereafter mentioned, for which they may be reſpectively appointed, for the purpoſe of ſtating the accounts of the ſtates within thoſe diſtricts, againſt the United States.

That the ſtates of New-Hampſhire, Maſſachuſetts, Connecticut and Rhode-Iſland, form one diſtrict. That the ſtates of New-York, and New-Jerſey, form one diſtrict. That the ſtates of Pennſylvania, Delaware and Maryland, form one diſtrict. That the ſtates of Virginia and North-Carolina, form one diſtrict. And that the ſtates of South-Carolina and Georgia, form one diſtrict.

That it ſhall be the duty of the ſaid commiſſioners reſpectively to receive of the ſtates for which they are appointed, all their accounts and vouchers for payments made

made on account of bounties, pay and depreciation of pay, to the late army of the United States: and for advances to the militia, called out under the authority of the United States, and actually in their ſervice, and to give deſcriptive acknowledgements thereof to the ſtates from which they may be received, which accounts and vouchers ſhall be immediately forwarded to the commiſſioner of army accounts, whoſe duty it ſhall be to examine and paſs ſuch as are authoriſed by the reſolves of Congreſs, and ſupported by proper vouchers; and to ſtate ſuch as may not fall under the above deſcription, together with ſuch remarks as may tend to elucidate the nature of theſe claims.

That it ſhall further be the duty of the ſaid commiſſioners, to receive in like manner, the accounts and vouchers for monies paid, and ſupplies furniſhed on the requiſitions of Congreſs, made previouſly to Oct. 1781, and to forward the ſame to the office of the comptroller of the treaſury.

That it ſhall alſo be the duty of the ſaid commiſſioners to receive and examine all the claims of the ſtates to which they are appointed, againſt the United States for advances or diſburſements by them made for the uſe of the late commiſſary, quarter maſter, cloathing, marine and hoſpital departments, or under any other deſcription whatſoever, to paſs upon all ſuch as are authoriſed by the reſolves of Congreſs, and ſupported by proper vouchers, ſo far as it reſpects the evidence offered in ſupport of the ſaid claims, and to ſtate ſuch as are not thus warranted or ſupported, together with ſuch remarks as may explain the nature of theſe accounts, and the reaſons offered for the deficiency of vouchers.

And be it further ordained by the authority aforeſaid, that on all the accounts aforeſaid intereſt ſhall be allowed at the rate of ſix per cent. per annum, agreeably to the reſolves of Congreſs.

And whereas it is eſſential to the welfare of the confederacy, that the accounts of the ſeveral ſtates ſhould be ſpeedily adjuſted: that this adjuſtment ſhould be effected

ed on uniform principles, and that provision shall be made for allowing such advances or disbursements as may have been made by the respective states for the use of the union, although the same be not sanctioned by the resolves of Congress, or supported by regular vouchers.

Be it therefore ordained, That the several states be, and they are hereby limited to the space of six months for exhibiting to the proper commissioner, their claims against the United States, of whatever nature the same may be: and that such states as may neglect to exhibit the same within that period of time, after the commissioner has notified to the supreme executive thereof, that he is ready to proceed on the business of his commission, shall be precluded from any future allowance; but shall nevertheless stand chargeable with all advances of money or other articles which may have been made to them respectively by the United States, and with whatever balances may be yet due on their several quotas of the general requisitions.

And be it further ordained, that the said commissioners of districts, shall within twelve months after they enter on the duties of their several appointments, repair to the place, where the United States in Congress may hold their sessions, with such accounts and vouchers as they may have in possession, and deliver the same to the comptroller of the treasury, on which their commission shall terminate.

Be it further ordained, That a board, consisting of three commissioners be appointed by the United States in Congress Assembled, whose duty it shall be to receive from the comptroller of the treasury, and from the commissioner of army accounts, all the accounts and claims of the several states deposited in their respective offices, and to examine such of the said accounts as shall have been passed by the commissioners of the several districts, in order that the same may be finally adjusted on uniform and equitable principles, having reference to the settlement of accounts heretofore made by the commissioners of the different states: Provided that such revision of the

accounts abovementioned, ſhall not in any wiſe affect the validity of the vouchers admitted by the commiſſioners of the reſpective diſtricts.

And be it further ordained, That wherever it ſhall appear to the ſaid board of commiſſioners, that advances or diſburſements, payments or ſupplies, of the deſcription aforeſaid, have been made by any of the ſtates, ſubſequent to the 18th of April 1775, for articles or ſervices for the uſe of the United States, That the ſaid commiſſioners be, and they are hereby veſted with full power and authority to make ſuch allowance for the ſame as they ſhall think conſiſtent with the principles of general equity, although ſuch advances or diſburſements may not be ſanctioned by the reſolves of Congreſs, or ſupported by regular vouchers, ſo as to enable the ſaid commiſſioners to make a final adjuſtment of all the accounts ſubſiſting between the United States and the ſeveral members thereof, agreeably to ſuch quota as Congreſs ſhall hereafter determine.

And be it further ordained, That the determination of a majority of the aforeſaid board of commiſſioners on the claims ſubmitted to them ſhall be final and concluſive, and that their commiſſion ſhall continue in force for one year and an half, from the time of their entering on the duties of their office, unleſs ſooner revoked by Congreſs.

And be it further ordained, That the pay of the commiſſioners of diſtricts, ſhall be at the rate of twelve hundred and fifty dollars per annum; and that of their clerks at the rate not exceeding four hundred and fifty dollars per annum, each.

And be it further ordained, That every perſon employed, or to be employed in purſuance of this ordinance ſhall previous to entering on the duties of his office, take and ſubſcribe an oath faithfully and impartially to perform the duties of the office to which he is appointed, certificates of which ſhall be depoſited with the ſecretary of Congreſs.

And be it further ordained, That the ordinance of the 13th of October, 1786, entitled, "An ordinance for eſtabliſhing

bliſhing a board to liquidate and ſettle all accounts between the United States and individual ſtates," be, and it is hereby repealed.

Done, &c.

TUESDAY, *May* 8, 1787.

Congreſs aſſembled---Preſent Maſſachuſetts, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, and North-Carolina; and from Rhode-Iſland, Mr. Arnold, and from South-Carolina, Mr. Huger.

The committee conſiſting of Mr. Blount, Mr. Varnum and Mr. Grayſon, to whom was referred the reſolution of the ſtate of Virginia, of the 13th of January, 1786, paſſed in conformity to a reſolution entered into by the ſtate of Maryland in the ſame year, and to whom was referred the reſolutions of the ſaid ſtate of Virginia, of the 22d November, 1786, having reported,

" That Congreſs do conſent to the annual meeting of commiſſioners, as propoſed in the ſaid reſolutions, for the purpoſes therein expreſſed, for the term of years."

This report being under debate, a motion was made by Mr. Grayſon, ſeconded by Mr. Meredith, to amend the report by filling the blank with " ſeven," which was agreed to.

A motion was then made by Mr. Grayſon, further to amend the report by adding " unleſs ſome general regulations of commerce ſhall ſooner take place."

And on the queſtion to agree to this amendment, the yeas and nays being required by Mr. Grayſon;

Maſſachuſetts,	Mr. Gorham	*no*	*no*
	Mr. King	*no*	
	Mr. Dane	*no*	
Rhode-Iſland,	Mr. Arnold	*no*	*
New-York,	Mr. Smith	*no*	*no*
	Mr. Benſon	*no.*	
New-Jerſey,	Mr. Clarke	*no*	*do.*
	Mr. Schuerman	*ay*	

Pennſylvania,

Pennſylvania,	Mr. St. Clair	no	
	Mr. Pettit	ay	ay
	Mr. Meredith	ay	
Delaware	Mr. Mitchell	no	no
	Mr. Kearny	no	
Maryland,	Mr. Roſs	ay	ay
	Mr. Ramſay	ay	
Virginia,	Mr. Grayſon	ay	
	Mr. Carrington	ay	ay
	Mr. Lee	ay	
North-Carolina,	Mr. Hawkins	ay	ay
	Mr. Aſhe	ay	
South-Carolina,	Mr. Huger	ay	*

So the queſtion was loſt.

On the queſtion to agree to the report of the committee, the yeas and nays being required by Mr. Grayſon;

Maſſachuſetts,	Mr. Gorham	no	
	Mr. King	no	no
	Mr. Dane	no	
Rhode-Iſland,	Mr. Arnold	no	*
New-York,	Mr. Smith	no	no
	Mr. Benſon	no	
New-Jerſey,	Mr. Clarke	no	no
	Mr. Scheurman	no	
Pennſylvania,	Mr. St. Clair	no	
	Mr. Pettit	no	no
	Mr. Meredith	ay	
Delaware,	Mr. Mitchell	no	no
	Mr. Kearny	no	
Maryland,	Mr. Roſs	no	dd
	Mr. Ramſay	ay	
Virginia,	Mr. Grayſon	ay	
	Mr. Carrington	ay	ay
	Mr. Lee	ay	
North-Carolina,	Mr. Hawkins	no	no
	Mr. Aſhe	no	
South-Carolina,	Mr. Huger	ay	*

So the queſtion was loſt.

On

On a report of the secretary at war, enclosing the resignation of ensign Bissel.

Resolved, That the resignation of ensign Bissel, of colonel Harmar's regiment, be accepted.

On motion of Mr. King,

Resolved, That the board of treasury be, and hereby are authorised to dispose of the public copper on hand, either by sale or contract, for the coinage of the same, as they shall judge most for the interest of the United States.

WEDNESDAY, *May* 9, 1787.

Congress assembled---Present, Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina and Georgia; and from Rhode-Island, Mr. Arnold, and from South-Carolina, Mr. Huger.

Congress proceeded in the second reading of the ordinance for the government of the western territory, and the following clause being under debate, viz.

"The representatives thus elected, shall serve for the term of two years."

A motion was made by Mr. Grayson, to amend the same, by striking out "two," and insert "three."

On the question to agree to this amendment, the yeas and nays being required by Mr. Grayson;

Massachusetts,	Mr. Gorham	*ay*	*no*
	Mr. King	*no*	
	Mr. Dane	*no*	
Rhode-Island,	Mr. Arnold	*no*	*
New-York,	Mr. Smith	*no*	*dd*
	Mr. Benson	*ay*	
New-Jersey,	Mr. Clarke	*ay*	*dd*
	Mr. Scheurman	*no*	
Pennsylvania,	Mr. St. Clair	*ay*	*ay*
	Mr. Pettit	*no*	
	Mr. Meredith	*ay*	
	Mr. Armstrong	*ay*	

Delaware,

Delaware,	Mr. Mitchell	ay	ay
	Mr. Kearny	ay	
Maryland,	Mr. Rofs	ay	ay
	Mr. Ramfay	ay	
Virginia,	Mr. Grayfon	ay	ay
	Mr. Carrington	ay	
	Mr. Lee	ay	
North-Carolina,	Mr. Hawkins	ay	dd
	Mr. Afhe	no	
South-Carolina,	Mr. Huger	ay]	*

So the queftion was loft.

The ordinance being amended,

Ordered, That it be tranfcribed, and that Thurfday next be affigned for the third reading.

A letter of this day from the fecretary for foreign affairs, requefting leave of abfence, was read:

Ordered, That leave be granted agreeably to his requeft.

THURSDAY, *May* 10, 1787.

Congrefs affembled---Prefent as before.

A motion was made by Mr. Pierce, feconded by Mr. Few, for repealing the order paffed September 1, 1786; and on the queftion to agree to the motion, the yeas and nays being required by Mr. Pierce;

Maffachufetts,	Mr. King	no)	no
	Mr. Dane	no)	
Rhode-Ifland,	Mr. Arnold	no)	*
New-York,	Mr. Smith	no)	*
New-Jerfey,	Mr. Clarke	ay)	ay
	Mr. Scheurman	ay)	
Pennfylvania,	Mr. St. Clair	ay)	ay
	Mr. Pettit	ay)	
	Mr. Meredith	ay)	
	Mr. Armftrong	ay)	
Delaware,	Mr. Mitchell	ay)	ay
	Mr. Kearny	ay)	

Maryland,

Maryland,	Mr. Rofs	ay) ay
	Mr. Ramfay	ay)
Virginia,	Mr. Grayfon	ay) ay
	Mr. Carrington	ay)
	Mr. Lee	ay)
North-Carolina	Mr. Hawkins	ay) ay
	Mr. Afhe	ay)
South-Carolina,	Mr. Huger	ay)
Georgia,	Mr. Few	ay) ay
	Mr. Pierce	ay)

So it was

Refolved, That the order paffed on the firft day of September, 1786, in the words following, viz. "That when a queftion is fet afide by the previous queftion, it fhall not be in order afterwards, formally or fubftantially, to move the fame, unlefs there fhall be the fame, or as many ftates repreferted in Congrefs, be, and the fame is hereby repealed."

A motion was made by Mr. Kearny, feconded by Mr. Meredith, in the words following, viz.

Refolved, That on the 16th of the prefent month, Congrefs will adjourn, to meet on the fecond Monday in June next, at the city of Philadelphia, in the ftate of Pennfylvania, for the difpatch of public bufinefs; and the prefident of Congrefs is hereby authorifed and directed on the faid 16th day of May, to adjourn Congrefs accordingly.

This being objected to as not in order, and the prefident calling for the judgment of the houfe, the queftion was ftated by Mr. King, in the words following, viz.

Is the motion of Mr. Kearny in order? The fame being in direct oppofition to a claufe of an ordinance of Congrefs of the 23d day of December, 1784, in the words following, viz. "That on the 24th day of December inftant, Congrefs ftand adjourned to meet at the city of New-York, on the 11th day of January following, for the difpatch of public bufinefs, and that the feffions of Congrefs be held at the place laft mentioned, until the buildings aforefaid fhall be ready for their reception.

Ou

On the queſtion, the yeas and nays being required by Mr. King;

Maſſachuſetts,	Mr. Gorham	no)	no
	Mr. King	no)	
	Mr. Dane	no)	
New-York,	Mr. Smith	no)	no
	Mr. Benſon	no)	
New-Jerſey,	Mr. Clarke	ay)	ay
	Mr. Scheurman	no)	
Pennſylvania,	Mr. St. Clair	ay)	ay
	Mr. Pettit	ay)	
	Mr. Meredith	ay)	
	Mr. Armſtrong	ay)	
Delaware,	Mr. Mitchell	ay)	ay
	Mr. Kearny	ay)	
Maryland,	Mr. Roſs	ay)	ay
	Mr. Ramſay	ay)	
Virginia,	Mr. Grayſon	ay)	ay
	Mr. Carrington	ay)	
	Mr. Lee	ay)	
North-Carolina,	Mr. Blount	ay)	ay
	Mr. Aſhe	ay)	
South-Carolina,	Mr. Huger	ay)	*
Georgia,	Mr. Few	ay)	ay
	Mr. Pierce	ay)	

So the motion was ſet aſide, as being out of order.

The order of the day was called by the ſtate of Maſſachuſetts, for the third reading of the ordinance for a temporary government of the weſtern territory, and being poſtponed;

A motion was made by Mr. Kearny, ſeconded by Mr. Blount, in the words following, viz.

Reſolved, That on the 16th of the preſent month, May, Congreſs will adjourn to meet on the ſecond Monday in June next, at the city of Philadelphia, in the ſtate of Pennſylvania, for the diſpatch of public buſineſs; and the

the president of Congress is hereby authorised and directed on the said 16th day of May, to adjourn Congress accordingly; any thing in the ordinance of the 23d of December 1784 contained, to the contrary notwithstanding.

A motion was then made by Mr. Lee, seconded by Mr. Huger, to postpone the motion before the house, to take up the following, viz.

Whereas the convenient and due administration of the government of the United States requires, that a permanent situation most central to all parts of the union, be established for holding the sessions of Congress, resolved, that the board of treasury take measures for erecting the necessary public buildings for the accommodation of Congress, at Georgetown on Potowmac river, so soon as the soil and jurisdiction of the said town are obtained; and that on the completion of the said buildings, that Congress adjourn their sessions to the said federal town: Resolved, That the states of Maryland and Virginia, be allowed a credit in the requisition of 1787, and in the arrearages due on past requisitions for such sums of money which they may respectively furnish towards the erection of the said buildings.

On the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. Lee;

Massachusetts,	Mr. Gorham	*ay*	*ay*
	Mr. King	*ay*	
	Mr. Dane	*ay*	
Rhode-Island,	Mr. Arnold	*ay*	*
New-York,	Mr. Smith	*ay*	*ay*
	Mr. Benson	*ay*	
New-Jersey,	Mr. Clark	*no*	*no*
	Mr. Scheurman	*no*	
Pennsylvania,	Mr. St. Clair	*no*	*no*
	Mr. Pettit	*no*	
	Mr. Meredith	*no*	
	Mr. Armstrong	*no*	
Delaware,	Mr. Mitchell	*no*	*no*
	Mr. Kearny	*no*	
Maryland,	Mr. Ross	*no*	*no*
	Mr. Ramsay,	*no*	

Virginia,	Mr. Grayſon	*ay*	*ay*
	Mr. Carrington	*ay*	
	Mr. Lee	*ay*	
North-Carolina,	Mr. Blount	*no*	*no*
	Mr. Aſhe	*no*	
South-Carolina,	Mr. Huger	*ay*	*
Georgia,	Mr. Few	*ay*	*ay*
	Mr. Pierce	*ay*	

So the queſtion was loſt.

A motion was then made by Mr. Lee, ſeconded by Mr. Carrington, to amend the motion before the houſe by adding the following words :

That the board of treaſury take order for the payment of all juſt expences which the officers of the United States may be involved in by the adjournment of Congreſs, before the expiration of the year.

And on the queſtion for amendment, the yeas and nays being required by Mr. Lee ;

Maſſachuſetts,	Mr. Gorham	*ay*	*ay*
	Mr. King	*ay*	
	Mr. Dane	*ay*	
Rhode-Iſland,	Mr. Arnold	*ay*	*
New-York,	Mr. Smith	*ay*	*ay*
	Mr. Benſon	*ay*	
New-Jerſey,	Mr. Clark	*no*	*no*
	Mr. Scheurman	*no*	
Pennſylvania,	Mr. St. Clair	*no*	*no*
	Mr. Pettit	*no*	
	Mr. Meredith	*no*	
	Mr. Armſtrong	*no*	
Delaware,	Mr. Mitchell	*no*	*no*
	Mr. Kearny	*no*	
Maryland,	Mr. Roſs	*no*	*no*
	Mr. Ramſay	*no*	
Virginia,	Mr. Grayſon	*ay*	*ay*
	Mr. Carrington	*ay*	
	Mr. Lee	*ay*	

North-Carolina,

North-Carolina,	Mr. Blount	no	no
	Mr. Ashe	no	
South-Carolina,	Mr. Huger	no] *	
Georgia,	Mr. Few	no	no
	Mr. Pierce	no	

So the question was lost.

A motion was then made by Mr. Carrington, seconded by Mr. Dane, to amend the motion before the house, by striking out "the sixteenth of the present month" and "second Monday in June next," and insert "the 10th of October next," and "the 30th of the same."

On the question to agree to the amendment, the yeas and nays being required by Mr. Carrington;

Massachusetts,	Mr. Gorham	no	no
	Mr. King	no	
	Mr. Dane	ay	
Rhode-Island,	Mr. Arnold	ay] *	
New-York,	Mr. Smith	ay	dd
	Mr. Benson	no	
New-Jersey,	Mr. Clark	no	dd
	Mr. Scheurman	ay	
Pennsylvania,	Mr. St. Clair,	no	no
	Mr. Pettit,	ay	
	Mr. Meredith,	no	
	Mr. Armstrong	no	
Delaware,	Mr. Mitchell	ay	dd
	Mr. Kearny	no	
Maryland,	Mr. Ross	ay	ay
	Mr. Ramsay	ay	
Virginia,	Mr. Grayson	ay	ay
	Mr. Carrington	ay	
	Mr. Lee	ay	
North-Carolina,	Mr. Blount	no	dd
	Mr. Ashe	ay	
South-Carolina,	Mr. Huger	ay] *	
Georgia,	Mr. Few	ay	ay
	Mr. Pierce	ay	

So the question was lost.

A

A motion was then made by Mr. Dane, to amend the motion by ſtriking out "on the ſecond Monday in June next," and the queſtion being loſt, the words were ſtruck out.

FRIDAY, *May* 11, 1787.

Congreſs aſſembled--Preſent Maſſachuſetts, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina and Georgia; and from Rhode-Iſland Mr. Arnold, and from South-Carolina Mr. Huger.

On motion of Mr. King,

Reſolved, That the board of treaſury take order for the payment of five hundred dollars to John Warren, guardian of the eldeſt ſon of the late general Warren, for his education for the term of one year, commencing on the 4th day of July laſt.

Reſolved, That the board of treaſury take order for the payment of four hundred dollars to the guardian of Hugh Mercer, ſon of the late general Mercer, for his education for one year, commencing on the 27th day of April laſt.

SATURDAY, *May* 12, 1787.

Six ſtates attended, namely, Maſſachuſetts, Pennſylvania, Delaware, Maryland, Virginia and Georgia; and from Rhode-Iſland Mr. Arnold, from New-York Mr. Benſon, and from North-Carolina Mr. Hawkins.

MONDAY, *May* 14, 1787.

Six ſtates aſſembled, namely, Maſſachuſetts, New-York, Pennſylvania, Delaware, Virginia and North-Carolina; and from Rhode-Iſland Mr. Arnold, from Maryland Mr. Roſs, from South-Carolina Mr. Huger, and from Georgia Mr. Pierce.

TUESDAY, *May* 15, 1787.

Five ſtates aſſembled, namely, Maſſachuſetts, New-York, Pennſylvania, Virginia and North-Carolina; and from Rhode-Iſland Mr. Arnold, from Delaware Mr. Kearny, from Maryland Mr. Roſs, and from South-Carolina Mr. Huger.

WEDNESDAY,

WEDNESDAY, *May* 16, 1787.

Five ſtates aſſembled, namely, Maſſachuſetts, New-York, Pennſylvania, Virginia and North-Carolina; and from Georgia Mr. Pierce.

THURSDAY, *May* 17, 1787.

The ſame as before.

FRIDAY, *May* 18, 1787.

Four ſtates aſſembled, namely, Maſſachuſetts, New-York, Pennſylvania and North-Carolina; and from Virginia Mr. Lee, and from Georgia Mr. Pierce.

MONDAY, *May* 21, 1787.

The ſame as before.

TUESDAY, *May* 22, 1787.

Five ſtates aſſembled, namely, Maſſachuſetts, New-York, Pennſylvania, Virginia and North-Carolina; and from Georgia Mr. Pierce.

WEDNESDAY, *May* 23, 1787.

Five ſtates aſſembled, namely, Maſſachuſetts, New-York, Pennſylvania, Virginia and North-Carolina; and from Rhode-Iſland Mr. Varnum, from New-Jerſey Mr. Clarke, and from Georgia Mr. Pierce.

THURSDAY, *May* 24, 1787.

Five ſtates aſſembled, and the ſame as before.

FRIDAY, *May* 25, 1787.

Four ſtates aſſembled, namely, New-York, Pennſylvania, Virginia and North-Carolina; and from Maſſachuſetts Mr. Dane, from Rhode-Iſland Mr. Varnum, and from New-Jerſey Mr. Clarke.

SATURDAY,

SATURDAY, *May* 26, 1787.

Four ſtates aſſembled as before; and from Maſſachuſetts Mr. Dane.

MONDAY, *May* 28, 1787.

Four ſtates aſſembled, namely, New-York, Pennſylvania, Virginia and North-Carolina; and from Maſſachuſetts Mr. Dane.

TUESDAY, *May* 29, 1787.

The ſame as before; and from South-Carolina Mr. Kean.

WEDNESDAY, *May* 30, 1787.

Four ſtates aſſembled, namely, New-York, Pennſylvania, Virginia and North-Carolina; and from Maſſachuſetts Mr. Dane.

THURSDAY, *May* 31, 1787.

The ſame as before.

FRIDAY, *June* 1, 1787.

Three ſtates aſſembled, namely, New-York, Virginia and North-Carolina; and from Maſſachuſetts Mr. Dane, from Pennſylvania Mr. Armſtrong, and from South-Carolina Mr. Huger.

SATURDAY, *June* 2, 1787.

The ſame as before.

MONDAY, *June* 4, 1787.

Three ſtates aſſembled, namely, New-York, Virginia and North-Carolina, and from Maſſachuſetts Mr. Dane, and from Pennſylvania Mr. Armſtrong.

TUESDAY, *June* 5, 1787.

Four ſtates aſſembled, namely, New-York, New-Jerſey, Virginia and North-Carolina; and from Maſſachuſetts Mr. Dane.

WEDNESDAY,

WEDNESDAY, *June* 6, 1787.

The ſame as before.

THURSDAY and FRIDAY, *June* 7 and 8, 1787.

The ſame as before.

SATURDAY, *June* 9, 1787.

Four ſtates aſſembled, namely, New-York, New-Jerſey, Virginia and North-Carolina; and from Maſſachuſetts Mr. Dane.

MONDAY, *June* 11, 1787.

Three ſtates aſſembled, namely, New-York, Virginia and North-Carolina; and from Maſſachuſetts Mr. Dane, from New-Jerſey Mr. Clarke, and from South-Carolina Mr. Kean.

TUESDAY, *June* 12, 1787.

The ſame as before.

WEDNESDAY, *June* 13, 1787.

The ſame as before.

THURSDAY, *June* 14, 1787.

Three ſtates aſſembled, namely, New-York, Virginia and North-Carolina; and from Maſſachuſetts Mr. Dane.

FRIDAY and SATURDAY, *June* 15 and 16, 1787.

The ſame as before.

MONDAY, *June* 18, 1787.

Three ſtates aſſembled, namely, New-York, Virginia and North-Carolina; and from Maſſachuſetts Mr. Dane, and from New-Jerſey Mr. Clarke.

TUESDAY,

TUESDAY, *June* 19, 1787.

Two ſtates aſſembled, namely, New-York and Virginia; and from Maſſachuſetts Mr. Dane, and from New-Jerſey Mr. Clarke.

WEDNESDAY, *June* 20, 1787.

Two ſtates aſſembled, namely, New-York and Virginia; and from Maſſachuſetts Mr. Dane, from New-Jerſey Mr. Clarke, from Pennſylvania Mr. Armſtrong, and from South-Carolina Mr. Kean.

THURSDAY, *June* 21, 1787.

Four ſtates aſſembled, namely, Maſſachuſetts, New-York, New-Jerſey and Virginia; and from South-Carolina Mr. Kean.

Mr. Holten, a delegate for Maſſachuſetts, attended.

FRIDAY, *June* 22, 1787.

The ſame as before.

SATURDAY, *June* 23, 1787.

Three ſtates aſſembled, namely, Maſſachuſetts, New-York and Virginia; and from South-Carolina, Mr. Kean.

FRIDAY, *June* 29, 1787.

The ſame as above attended this week; and from Pennſylvania Mr. Armſtrong.

MONDAY, *July* 2, 1787.

Four ſtates attended, namely, Maſſachuſetts, New-York, Virginia and South-Carolina.

TUESDAY, *July* 3, 1787.

Four ſtates attended as yeſterday; and from the ſtate of New-Jerſey Mr, Clarke, and from Pennſylvania Mr. Armſtrong.

WEDNESDAY,

WEDNESDAY, *July* 4, 1787.

Congreſs aſſembled----Preſent Maſſachuſetts, New-York, New-Jerſey, Virginia, North-Carolina, South-Carolina and Georgia.

The preſident being abſent, Congreſs proceeded to the election of a chairman; and the ballots being taken,

The honorable W. Grayſon was elected.

THURSDAY, *July* 5, 1787.

Four ſtates only attending, namely, Maſſachuſetts, New-Jerſey, Virginia and South-Carolina; and from New-York Mr. Haring, from Pennſylvania Mr. Armſtrong, from North-Carolina Mr. Hawkins, and from Georgia Mr. Few; the chairman adjourned Congreſs until 11 o'clock to-morrow.

FRIDAY, *July* 6, 1787.

Congreſs aſſembled--Preſent Maſſachuſetts, New-York, New-Jerſey, Virginia, North-Carolina, South-Carolina and Georgia; and from Pennſylvania Mr. Armſtrong.

On the report of a committee, conſiſting of Mr. Pierce, Mr. Kean and Mr. Holten, to whom was referred a letter of the 11th May, from the board of treaſury:

Reſolved, That the board of treaſury direct the contractor for the copper coinage to ſtamp on one ſide of each piece the following device, viz. Thirteen circles linked together, a ſmall circle in the middle with the words "United States" round it; and in the centre, the words "We are one;" on the other ſide of the ſame piece the following devices, viz. A dial with the hours expreſſed on the face of it; a meridian ſun above, on one ſide of which is to be the word "Fugio," and on the other the year in figures "1787" below the dial, the words "Mind your Buſineſs."

On motion of Mr. Kean, ſeconded by Mr. Holten:

Ordered, That the ſecretary of Congreſs write to the executives of the ſtates not repreſented in Congreſs, and requeſt them to urge the immediate attendance of their de-

legates, as business of the greatest importance is neglected through their non-attendance.

SATURDAY, *July* 7, 1787.

Congress assembled---Present as yesterday.

MONDAY, *July* 9, 1787.

Congress assembled---Present as before.

Mr. Richard Henry Lee, a delegate for the state of Virginia, attended and took his seat.

TUESDAY, *July* 10, 1787.

Congress assembled---Present as before.

WEDNESDAY, *July* 11, 1787.

Congress assembled--Present the seven states abovementioned.

The committee, consisting of Mr. Carrington, Mr. Dane, Mr. R. H. Lee, Mr. Kean and Mr. Smith, to whom was referred the report of a committee touching the temporary government of the western territory, reported an ordinance for the government of the territory of the United States northwest of the river Ohio, which was read a first time:

Ordered, That to-morrow be assigned for second reading.

THURSDAY, *July* 12, 1787.

Congress assembled--Present Massachusetts, New-York, New-Jersey, Delaware, Virginia, North-Carolina, South-Carolina and Georgia.

On a report of the board of treasury;

Resolved, That all officers in the line of the late army who may be entitled to pensions, in pursuance of the acts of Congress in that behalf made, shall, previous to the receipt of such pension, deposit with the proper officers appointed to discharge the same in the state in which they reside, a certificate from the commissioner of army accounts,

counts, purporting that no balance is due from the claimant to the United States.

According to order, the ordinance for the government of the territory of the United States north-weſt of the river Ohio, was read a ſecond time.

Ordered, That to-morrow be aſſigned for the third reading of the ſaid ordinance.

FRIDAY, *July* 13, 1787.

Congreſs aſſembled---Preſent as yeſterday.

According to order, the ordinance for the government of the territory of the United States north-weſt of the river Ohio was read a third time, and paſſed as follows:

An ORDINANCE for the GOVERNMENT of the TERRITORY of the UNITED STATES, North-Weſt of the RIVER OHIO.

BE IT ORDAINED by the United States in Congreſs aſſembled, That the ſaid territory, for the purpoſes of temporary government, be one diſtrict; ſubject, however, to be divided into two diſtricts, as future circumſtances may, in the opinion of Congreſs, make it expedient.

Be it ordained by the authority aforeſaid, That the eſtates both of reſident and non-reſident proprietors in the ſaid territory, dying inteſtate, ſhall deſcend to, and be diſtributed among their children, and the deſcendants of a deceaſed child in equal parts; the deſcendants of a deceaſed child or grand-child, to take the ſhare of their deceaſed parent in equal parts among them: And where there ſhall be no children or deſcendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceaſed brother or ſiſter of the inteſtate, ſhall have in equal parts among them their deceaſed parents ſhare; and there ſhall in no caſe be a diſtinction between kindred of the whole and half blood; ſaving in all caſes to the widow of the inteſtate, her third part of the real eſtate for life, and one third part of the perſonal eſtate;

and

and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. ——And until the governor and judges shall adopt laws as herein after mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be (being of full age) and attested by three witnesses;---and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincent's, and the neighbouring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress, he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress; There shall also be appointed a court to consist of

of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behaviour.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time; which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof---and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So

So ſoon as there ſhall be five thouſand free male inhabitants, of full age, in the diſtrict, upon giving proof thereof to the governor, they ſhall receive authority, with time and place, to elect repreſentatives from their counties or townſhips, to repreſent them in the general aſſembly; provided that for every five hundred free male inhabitants, there ſhall be one repreſentative, and ſo on progreſſively with the number of free male inhabitants ſhall the the right of repreſentation increaſe, until the number of repreſentatives ſhall amount to twenty-five; after which the number and proportion of repreſentatives ſhall be regulated by the legiſlature: provided that no perſon be eligible or qualified to act as a repreſentative, unleſs he ſhall have been a citizen of one of the United States three years, and be a reſident in the diſtrict, or unleſs he ſhall have reſided in the diſtrict three years; and in either caſe, ſhall likewiſe hold in his own right, in fee ſimple, two hundred acres of land within the ſame: provided alſo, that a freehold in fifty acres of land in the diſtrict, having been a citizen of one of the ſtates, and being reſident in the diſtrict, or the like freehold and two years reſidence in the diſtrict ſhall be neceſſary to qualify a man as an elector of a repreſentative.

The repreſentatives thus elected, ſhall ſerve for the term of two years; and in caſe of the death of a repreſentative, or removal from office, the governor ſhall iſſue a writ to the county or townſhip, for which he was a member, to elect another in his ſtead, to ſerve for the reſidue of the term.

The general aſſembly, or legiſlature, ſhall conſiſt of the governor, legiſlative council, and a houſe of repreſentatives. The legiſlative council ſhall conſiſt of five members, to continue in office five years, unleſs ſooner removed by Congreſs; any three of whom to be a quorum: and the members of the council ſhall be nominated and appointed in the following manner, to wit: As ſoon as repreſentatives ſhall be elected, the governor ſhall appoint a time and place for them to meet together, and, when met, they ſhall nominate ten perſons, reſidents in the diſtrict, and

each

each poſſeſſed of a freehold in five hundred acres of land, and return their names to Congreſs; five of whom Congreſs ſhall appoint and commiſſion to ſerve as aforeſaid; and whenever a vacancy ſhall happen in the council, by death or removal from office, the houſe of repreſentatives ſhall nominate two perſons, qualified as aforeſaid, for each vacancy, and return their names to Congreſs; one of whom Congreſs ſhall appoint and commiſſion for the reſidue of the term. And every five years, four months at leaſt before the expiration of the time of ſervice of the members of council, the ſaid houſe ſhall nominate ten perſons, qualified as aforeſaid, and return their names to Congreſs; five of whom Congreſs ſhall appoint and commiſſion to ſerve as members of the council five years, unleſs ſooner removed. And the governor, legiſlative council, and houſe of repreſentatives, ſhall have authority to make laws, in all caſes, for the good government of the diſtrict, not repugnant to the principles and articles in this ordinance eſtabliſhed and declared. And all bills having paſſed by a majority in the houſe, and by a majority in the council, ſhall be referred to the governor for his aſſent; but no bill or legiſlative act whatever, ſhall be of any force without his aſſent. The governor ſhall have power to convene, prorogue and diſſolve the general aſſembly, when in his opinion it ſhall be expedient.

The governor, judges, legiſlative council, ſecretary, and ſuch other officers as Congreſs ſhall appoint in the diſtrict, ſhall take an oath or affirmation of fidelity, and of office; the governor before the preſident of Congreſs, and all other officers before the governor. As ſoon as a legiſlature ſhall be formed in the diſtrict, the council and houſe aſſembled, in one room, ſhall have authority, by joint ballot, to elect a delegate to Congreſs, who ſhall have a ſeat in Congreſs, with a right of debating, but not of voting during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the baſis whereon theſe republics, their laws and conſtitutions are erected; to fix and eſtabliſh thoſe principles as the baſis of all laws, conſtitutions,

ſtitutions, and governments, which forever hereafter ſhall be formed in the ſaid territory: to provide alſo for the eſtabliſhment of ſtates, and permanent government therein, and for their admiſſion to a ſhare in the federal councils on an equal footing with the original ſtates, at as early periods as may be conſiſtent with the general intereſt:

It is hereby ordained and declared, by the authority aforeſaid, That the following articles ſhall be conſidered as articles of compact between the original ſtates, and the people and ſtates in the ſaid territory, and forever remain unalterable, unleſs by common conſent, to wit:

Article the firſt. No perſon, demeaning himſelf in a peaceable and orderly manner, ſhall ever be moleſted on account of his mode of worſhip or religious ſentiments, in the ſaid territory.

Article the ſecond. The inhabitants of the ſaid territory, ſhall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate repreſentation of the people in the legiſlature, and of judicial proceedings according to the courſe of the common law. All perſons ſhall be bailable, unleſs for capital offences, where the proof ſhall be evident, or the preſumption great. All fines ſhall be moderate; and no cruel or unuſual puniſhments ſhall be inflicted. No man ſhall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and ſhould the public exigencies make it neceſſary, for the common preſervation, to take any perſon's property, or to demand his particular ſervices, full compenſation ſhall be made for the ſame. And in the juſt preſervation of rights and property, it is underſtood and declared, that no law ought ever to be made, or have force in the ſaid territory, that ſhall in any manner whatever interfere with, or affect private contracts or engagements, bona fide, and without fraud previouſly formed.

Article the third. Religion, morality and knowledge, being neceſſary to good government and the happineſs of mankind, ſchools and the means of education ſhall forever be encouraged. The utmoſt good faith ſhall always be obſerved

obſerved towards the Indians; their lands and property ſhall never be taken from them without their conſent; and in their property, rights and liberty, they never ſhall be invaded or diſturbed, unleſs in juſt and lawful wars authoriſed by Congreſs; but laws founded in juſtice and humanity ſhall from time to time be made, for preventing wrongs being done to them, and for preſerving peace and friendſhip with them.

Article the fourth. The ſaid territory, and the ſtates which may be formed therein, ſhall forever remain a part of this confederacy of the United States of America, ſubject to the articles of confederation, and to ſuch alterations therein, as ſhall be conſtitutionally made; and to all the acts and ordinances of the United States in Congreſs aſſembled, conformable thereto. The inhabitants and ſettlers in the ſaid territory, ſhall be ſubject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expences of government, to be apportioned on them by Congreſs, according to the ſame common rule and meaſure, by which apportionments thereof ſhall be made on the other ſtates; and the taxes for paying their proportion, ſhall be laid and levied by the authority and direction of the legiſlatures of the diſtrict or diſtricts or new ſtates, as in the original ſtates, within the time agreed upon by the United States in Congreſs aſſembled. The legiſlatures of thoſe diſtricts or new ſtates, ſhall never interfere with the primary diſpoſal of the ſoil by the United States in Congreſs aſſembled, nor with any regulations Congreſs may find neceſſary for ſecuring the title in ſuch ſoil to the bona fide purchaſers. No tax ſhall be impoſed on lands the property of the United States; and in no caſe ſhall non-reſident proprietors be taxed higher than reſidents. The navigable waters leading into the Miſſiſippi and St. Lawrence, and the carrying places between the ſame, ſhall be common highways, and forever free, as well to the inhabitants of the ſaid territory, as to the citizens of the United States, and thoſe of any other ſtates that may be admitted into the confederacy, without any tax, impoſt, or duty therefor.

Article the fifth. There ſhall be formed in the ſaid territory, not leſs than three, nor more than five ſtates; and the boundaries of the ſtates, as ſoon as Virginia ſhall alter her act of ceſſion, and conſent to the ſame, ſhall become fixed and eſtabliſhed as follows, to wit: The weſtern ſtate in the ſaid territory, ſhall be bounded by the Miſſiſippi, the Ohio and Wabaſh rivers; a direct line drawn from the Wabaſh and Poſt Vincents due north to the territorial line between the United States and Canada; and by the ſaid territorial line to the lake of the Woods and Miſſiſippi. The middle ſtate ſhall be bounded by the ſaid direct line, the Wabaſh from Poſt Vincents to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami, to the ſaid territorial line, and by the ſaid territorial line. The eaſtern ſtate ſhall be bounded by the laſt mentioned direct line, the Ohio, Pennſylvania, and the ſaid territorial line: provided however, and it is further underſtood and declared, that the boundaries of theſe three ſtates, ſhall be ſubject ſo far to be altered, that if Congreſs ſhall hereafter find it expedient, they ſhall have authority to form one or two ſtates in that part of the ſaid territory which lies north of an eaſt and weſt line drawn through the ſoutherly bend or extreme of lake Michigan. And whenever any of the ſaid ſtates, ſhall have ſixty thouſand free inhabitants therein, ſuch ſtate ſhall be admitted, by its delegates, into the Congreſs of the United States, on an equal footing with the original ſtates, in all reſpects whatever; and ſhall be at liberty to form a permanent conſtitution and ſtate government: provided the conſtitution and government ſo to be formed, ſhall be republican, and in conformity to the principles contained in theſe articles; and ſo far as it can be conſiſtent with the general intereſt of the confederacy, ſuch admiſſion ſhall be allowed at an earlier period, and when there may be a leſs number of free inhabitants in the ſtate than ſixty thouſand.

Article the ſixth. There ſhall be neither ſlavery nor involuntary ſervitude in the ſaid territory, otherwiſe than in the puniſhment of crimes, whereof the party ſhall have been

been duly convicted: provided always, that any perſon eſcaping into the ſame, from whom labour or ſervice is lawfully claimed in any one of the original ſtates, ſuch fugitive may be lawfully reclaimed, and conveyed to the perſon claiming his or her labour or ſervice as aforeſaid.

Be it ordained by the authority aforeſaid, That the reſolutions of the 23d of April, 1784, relative to the ſubject of this ordinance, be, and the ſame are hereby repealed and declared null and void.

DONE, &c.

On paſſing the above ordinance, the yeas and nays being required by Mr. Yates.

Maſſachuſſetts,	Mr. Holten	ay	ay
	Mr. Dane	ay	
New-York,	Mr. Smith	ay	ay
	Mr. Haring	ay	
	Mr. Yates	no	
New-Jerſey,	Mr. Clark	ay	ay
	Mr. Scheurman	ay	
Delaware,	Mr. Kearny	ay	ay
	Mr. Mitchell	ay	
Virginia,	Mr. Grayſon	ay	ay
	Mr. R. H. Lee	ay	
	Mr. Carrington	ay	
North-Carolina,	Mr. Blount	ay	ay
	Mr. Hawkins	ay	
South-Carolina,	Mr. Kean	ay	ay
	Mr. Huger	ay	
Georgia,	Mr. Few	ay	ay
	Mr. Pierce	ay	

So it was reſolved in the affirmative.

SATURDAY, *July* 14, 1787.

Congreſs aſſembled---Preſent as before.

On the report of a committee, conſiſting of Mr. Clarke, Mr. Kean, Mr. Dane, Mr. Few and Mr. Pierce, to whom was referred a motion of Mr. Pierce:

Ordered, That the board of treaſury prepare and report

to Congrefs, a requifition on the ftates, for the fupplies neceffary for the current year, including one year's intereft of the foreign debt, and fuch parts of the principal as may become due the enfuing year; providing for the payment of one year's intereft on the domeftic debt, in a mode moft convenient to the ftates, and advantageous to the union.

The committee confifting of Mr. Carrington, Mr. King, Mr. Dane, Mr. Madifon and Mr. Benfon, to whom was referred a memorial of Samuel Holden Parfons, having brought in a report, which was taken into confideration, and the firft paragraph of the report being under debate, and which is in the words following, to wit; "That the board of treafury be authorifed and empowered, to contract with Samuel Holden Parfons, efquire, or any other agent or agents duly authorifed by the company ftiled and known by the name of the affociators for the purchafe of lands on the north-weft fide of Ohio river, for a grant of a tract which fhall be bounded by the Ohio, from the mouth of Scioto to the interfection of the weftern boundary of the feventh range of townfhips now furveying; thence by the faid boundary, to the northern boundary of the —— townfhip; thence by a due weft line to Scioto; thence by the Scioto to the beginning."

A motion was made by Mr. Kean, feconded by Mr. Hawkins, to ftrike out that paragraph, and in lieu thereof to infert the following:

That the board of treafury be authorifed and empowered, to advertife for three months, and at the termination of the faid three months, to contract with any perfon or perfons, for a grant of a tract of land, bounded as follows, viz. By the river Ohio, from the mouth of the river Scioto, to the interfection of the weftern boundary of the feventh range of townfhips; thence by the faid boundary, to the northern boundary of the tenth townfhips; thence by a due weft line to the river Scioto; thence by the faid river to the Ohio.

And on the queftion to agree to this amendment, the yeas and nays being required by Mr. Kean.

Maffa-

Maſſachuſetts,	Mr. Holten	no	no
	Mr. Dane	no	
New-York,	Mr. Smith	no	no
	Mr. Haring	no	
	Mr. Yates	ay	
New-Jerſey,	Mr. Clark	ay	ay
	Mr. Scheurman	ay	
Delaware,	Mr. Kearny	no	no
	Mr. Mitchell	no	
Virginia,	Mr. Grayſon	no	no
	Mr. R. H. Lee	no	
	Mr. Carrington	no	
North-Carolina,	Mr. Blount	ay	ay
	Mr. Hawkins	ay	
South-Carolina,	Mr. Kean	ay	div.
	Mr. Huger	no	
Georgia,	Mr. Few	ay	div.
	Mr. Pierce	no	

So the queſtion was loſt.

MONDAY, *July* 16, 1787.

Congreſs aſſembled---Preſent as before.

TUESDAY, *July* 17, 1787.

Congreſs aſſembled----Preſent Maſſachuſetts, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina, South-Carolina and Georgia.

Congreſs reſumed the conſideration of the report of the committee on the memorial of Samuel Holden Parſons, and the following paragraph being under debate, viz.

The ſtipulated price to be not leſs than one dollar per acre, for all the land contained in the tract, excepting the reſervation and gifts aforeſaid, payable in ſpecie, loan-office certificates reduced to ſpecie value, or certificates of liquidated debts of the United States, liable to reduction, by an allowance for bad land, and all incidental charges and circumſtances whatever; provided that

ſuch

ſuch allowance ſhall not exceed in the whole, one third of a dollar per acre.

A motion was made by Mr. Dane, ſeconded by Mr. Lee, to amend by adding the words following, viz.

And in making payment, the principal only of the ſaid certificates ſhall be admitted; and the board of treaſury, for ſuch intereſt as may be due on the certificates rendered in payment as aforeſaid prior to January 1ſt, 1786, ſhall iſſue indents for intereſt to the poſſeſſor, which ſhall be receivable in payment as other indents for intereſt of the exiſting requiſitions of Congreſs: and for ſuch intereſt as may be due on the ſaid certificates, between that period and the period of payment, the ſaid board ſhall iſſue indents, the payment of which to be provided for in future requiſitions or otherwiſe.

A diviſion being called for, on the queſtion to agree to the firſt part, "And in making," &c. to "requiſitions of Congreſs," incluſive, the yeas and nays being required by Mr. R. H. Lee.

Maſſachuſetts,	Mr. Holten	ay	ay
	Mr. Dane	ay	
New-York,	Mr. Smith	ay	ay
	Mr. Haring	ay	
	Mr. Yates	no	
New-Jerſey,	Mr. Clark	no	dd
	Mr. Scheurman	ay	
Pennſylvania,	Mr. St. Clair	ay	ay
	Mr. Irwine	ay	
Delaware,	Mr. Kearny	ay	ay
	Mr. Mitchell	ay	
Virginia,	Mr. Grayſon	no	ay
	Mr. Lee	ay	
	Mr. Carrington	ay	
North-Carolina,	Mr. Blount	no	no
	Mr. Hawkins	no	
South-Carolina,	Mr. Kean	ay	ay
	Mr. Huger	ay	
Georgia,	Mr. Few	ay	ay
	Mr. Pierce	ay	

So it was reſolved in the affirmative.

The

The ſecond part was agreed to without diviſion.

WEDNESDAY, *July* 18, 1787.

Congreſs aſſembled---Preſent as yeſterday.

On a report of the board of treaſury, to whom was referred a letter of the 6th, from the ſecretary at war, together with an account of Mr. Alexander Droomgoole, for expences charged by him againſt the United States, for accompanying certain Indians to Philadelphia:

Reſolved, That Congreſs approve the meaſures taken by the ſecretary at war with reſpect to the Indian chiefs of the Cherokee, Chactaw and Chickeſaw tribes, on their late viſit to the ſeat of Congreſs, and that the expences attending the ſame be allowed.

Reſolved, That all communications to the United States in Congreſs, from the Indian tribes, ought to be made through the ſuperintendants of Indian affairs.

Reſolved, That if any trader or other perſon, ſhall, without the authority of the ſaid ſuperintendants, undertake to conduct any Indian or Indians to the ſeat of Congreſs, he ſhall be reſponſible for all expences which may attend the ſame: and further, that where the perſon ſo acting as a conductor, ſhall be a trader, his licenſe to trade with the ſaid Indians ſhall become forfeited, and the ſame ſhall at no time thereafter be renewed.

Reſolved, That the ſuperintendants of Indian affairs, be inſtructed to make public the foregoing reſolutions, and to govern themſelves accordingly.

On a report from the ſecretary for foreign affairs, to whom was referred a treaty lately concluded with the Emperor of Morocco, Congreſs ratified the ſaid treaty in the manner and form following.

The UNITED STATES of AMERICA, in CONGRESS aſſembled.

To all who ſhall ſee theſe preſents, greeting.

WHEREAS the United States of America in Congreſs aſſembled, by their commiſſion, bearing date the twelfth

twelfth day of May, one thousand seven hundred and eighty-four, thought proper to constitute John Adams, Benjamin Franklin, and Thomas Jefferson, their ministers plenipotentiary, giving to them, or a majority of them, full powers to confer, treat and negociate with the ambassador, minister or commissioner of his majesty the emperor of Morocco, concerning a treaty of amity and commerce, to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the United States in Congress assembled, for their final ratification.

And by one other commission, bearing date the eleventh day of March, one thousand seven hundred and eighty-five did farther empower the said ministers plenipotentiary, or a majority of them, by writing under their hands and seals, to appoint such agent in the said business as they might think proper, with authority under the directions and instructions of the said ministers, to commence and prosecute the said negociations and conferences for the said treaty; provided that the said treaty should be signed by the said ministers: And whereas the said John Adams and Thomas Jefferson, two of the said ministers plenipotentiary, (the said Benjamin Franklin being absent) by writing, under the hand and seal of the said John Adams, at London, October the fifth, one thousand seven hundred and eighty-five, and of the said Thomas Jefferson, at Paris, October the eleventh, of the same year, did appoint Thomas Barclay, agent in the business aforesaid, giving him the powers therein, which by the said second commission they were authorised to give; and the said Thomas Barclay in pursuance thereof, hath arranged articles for a treaty of amity and commerce between the United States of America, and his majesty the Emperor of Morocco; which articles, written in the Arabic language, confirmed by his said majesty the Emperor of Morocco, and sealed with his royal seal, being translated into the language of the said United States of America, together with the attestations thereto annexed, are in the following words to wit.

In

In the Name of Almighty God.

THIS is a treaty of peace and friendſhip eſtabliſhed between us and the United States of America, which is confirmed, and which we have ordered to be written in this book, and ſealed with our royal ſeal, at our court of Morocco, on the twenty-fifth day of the bleſſed month of Shaban, in the year one thouſand two hundred, truſting in God it will remain permanent.

I. We declare, that both parties have agreed, that this treaty, conſiſting of twenty-five articles, ſhall be inſerted in this book, and delivered to the honorable Thomas Barclay, the agent of the United States now at our court, with whoſe approbation it has been made, and who is duly authoriſed on their part, to treat with us concerning all the matters contained therein.

II. If either of the parties ſhall be at war with any nation whatever, the other party ſhall not take a commiſſion from the enemy, nor fight under their colours.

III. If either of the parties ſhall be at war with any nation whatever, and take a prize belonging to that nation, and there ſhall be found on board, ſubjects or effects belonging to either of the parties, the ſubjects ſhall be ſet at liberty, and the effects returned to the owners. And if any goods belonging to any nation, with whom either of the parties ſhall be at war, ſhall be loaded on veſſels belonging to the other party, they ſhall paſs free and unmoleſted, without any attempt being made to take or detain them.

IV. A ſignal or paſs ſhall be given to all veſſels belonging to both parties, by which they are to be known when they meet at ſea; and if the commander of a ſhip of war of either party ſhall have other ſhips under his convoy, the declaration of the commander ſhall alone be ſufficient to exempt any of them from examination.

V. If either of the parties ſhall be at war, and ſhall meet a veſſel at ſea belonging to the other, it is agreed that if an examination is to be made, it ſhall be done by ſending a boat with two or three men only; and if any

gun

gun ſhall be fired and injury done without reaſon, the offending party ſhall make good all damages.

VI. If any Moor ſhall bring citizens of the United States, or their effects, to his majeſty, the citizens ſhall immediately be ſet at liberty, and the effects reſtored; and in like manner, if any Moor, not a ſubject of theſe dominions, ſhall make prize of any of the citizens of America, or their effects, and bring them into any of the ports of his majeſty, they ſhall be immediately releaſed. as they will then be conſidered as under his majeſty's protection.

VII. If any veſſel of either party, ſhall put into a port of the other, and have occaſion for proviſions or other ſupplies, they ſhall be furniſhed without any interruption or moleſtation.

VIII. If any veſſel of the United States, ſhall meet with a diſaſter at ſea, and put into one of our ports to repair, ſhe ſhall be at liberty to land, and reload her cargo, without paying any duty whatever.

IX. If any veſſel of the United States, ſhall be caſt on ſhore on any part of our coaſts, ſhe ſhall remain at the diſpoſition of the owners, and no one ſhall attempt going near her, without their approbation, as ſhe is then conſidered particularly under our protection: and if any veſſel of the United States, ſhall be forced to put into our ports, by ſtreſs of weather, or otherwiſe, ſhe ſhall not be compelled to land her cargo, but ſhall remain in tranquility, until the commander ſhall think proper to proceed on his voyage.

X. If any veſſel, of either of the parties, ſhall have an engagement with a veſſel belonging to any of the Chriſtian powers, within gun ſhot of the forts of the other, the veſſel ſo engaged, ſhall be defended and protected as much as poſſible, until ſhe is in ſafety: and if any American veſſel ſhall be caſt on ſhore, on the coaſt of Wadnoon, or any coaſt thereabout, the people belonging to her, ſhall be protected and aſſiſted, until, by the help of God, they ſhall be ſent to their country.

XI. If we ſhall be at war with any Chriſtian power, and any of our veſſels ſail from the ports of the United States,

States, no veſſel belonging to the enemy, ſhall follow until twenty-four hours after the departure of our veſſels: And the ſame regulation ſhall be obſerved towards the American veſſels ſailing from our ports, be their enemies Moors or Chriſtians.

XII. If any ſhip of war belonging to the United States, ſhall put into any of our ports, ſhe ſhall not be examined on any pretence whatever, even though ſhe ſhould have fugitive ſlaves on board; nor ſhall the governor or commander of the place, compel them to be brought on ſhore on any pretext, nor require any payment for them.

XIII. If a ſhip of war of either party, ſhall put into a port of the other and ſalute, it ſhall be returned from the fort with an equal number of guns, not with more or leſs.

XIV. The commerce with the United States, ſhall be on the ſame footing as is the commerce with Spain, or as that with the moſt favored nation for the time being: and their citizens ſhall be reſpected and eſteemed, and have full liberty to paſs and repaſs our country and ſeaports whenever they pleaſe, without interruption.

XV. Merchants of both countries ſhall employ only ſuch interpreters, and ſuch other perſons to aſſiſt them in their buſineſs, as they ſhall think proper. No commander of a veſſel ſhall tranſport his cargo on board another veſſel; he ſhall not be detained in port longer than he may think proper; and all perſons employed in loading or unloading goods, or in any other labuor whatever, ſhall be paid at the cuſtomary rates, not more and not leſs.

XVI. In caſe of a war between the parties, the priſoners are not to be made ſlaves, but to be exchanged one for another, captain for captain, officer for officer, and one private man for another: and if there ſhall prove a deficiency on either ſide, it ſhall be made up by the payment of one hundred Mexican dollars, for each perſon wanting. And it is agreed that all priſoners ſhall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant, or any other perſon authoriſed by either of the parties.

XVII

XVII. Merchants ſhall not be compelled to buy or ſell any kind of goods but ſuch as they ſhall think proper; and may buy and ſell all ſorts of merchandiſe but ſuch as are are prohibited to the other Chriſtian nations.

XVIII. All goods ſhall be weighed and examined before they are ſent on board, and to avoid all detention of veſſels, no examination ſhall afterwards be made, unleſs it ſhall firſt be proved, that contraband goods have been ſent on board, in which caſe the perſons who took the contraband goods on board ſhall be puniſhed according to the uſage and cuſtom of the country, and no other perſon whatever ſhall be injured, nor ſhall the ſhip or cargo incur any penalty or damage whatever.

XIX. No veſſel ſhall be detained in port on any pretence whatever, nor be obliged to take on board any article without the conſent of the commander, who ſhall be at full liberty to agree for the freight of any goods he takes on board.

XX. If any of the citizens of the United States, or any perſons under their protection, ſhall have any diſputes with each other, the Conſul ſhall decide between the parties, and whenever the Conſul ſhall require any aid, or aſſiſtance from our government to enforce his deciſions, it ſhall be immediately granted to him.

XXI. If a citizen of the United States ſhould kill or wound a Moor, or on the contrary, if a Moor ſhall kill or wound a citizen of the United States, the law of the country ſhall take place, and equal juſtice ſhall be rendered, the Conſul aſſiſting at the trial, and if any delinquent ſhall make his eſcape, the Conſul ſhall not be anſwerable for him in any manner whatever.

XXII. If an American citizen ſhall die in our country, and no will ſhall appear; the Conſul ſhall take poſſeſſion of his effects, and if there ſhall be no Conſul, the effects ſhall be depoſited in the hands of ſome perſon worthy of truſt, until the party ſhall appear who has a right to demand them, but if the heir to the perſon deceaſed be preſent, the property ſhall be delivered to him without interruption; and if a will ſhall appear, the property ſhall

deſcend

defcend agreeable to that will, as foon as the Conful fhall declare the validity thereof.

XXIII. The Confuls of the United States of America, fhall refide in any fea-port of our dominions that they fhall think proper; and they fhall be refpected, and enjoy all the previleges wich the confuls of any other nation enjoy, and if any of the citizens of the United States fhall contract any debts or engagements, the Conful fhall not be in any manner accountable for them, unlefs he fhall have given a promife in writing for the payment or fulfilling thereof, without which promife in writing, no application to him for any redrefs fhall be made.

XXIV. If any differences fhall arife by either party infringing on any of the articles of this Treaty, peace and harmony fhall remain notwithftanding in the fulleft force, until a friendly application fhall be made for an arrangement, and until that application fhall be rejected, no appeal fhall be made to arms. And if a war fhall break out between the parties, nine months fhall be granted to all the fubjects of both parties, to difpofe of their effects and retire with their property. And it is further declared, that whatever indulgence in trade or otherwife, fhall be granted to any of the Chriftian powers, the citizens of the United States fhall be equally entitled to them.

XXV. This Treaty fhall continue in full force, with the help of God, for Fifty Years.

We have delivered this book into the hands of the before-mentioned Thomas Barclay, on the firft day of the bleffed month of Ramadan, in the Year One Thoufand Two Hundred.

I CERTIFY that the annexed is a true copy of the tranflation made by Ifaac Cordoza Nunez, Interpreter at Morocco, of the Treaty between the Emperor of Morocco and the United States of America.

(Signed) THOMAS BARCLAY.

ADDI-

ADDITIONAL ARTICLE.

GRACE TO THE ONLY GOD.

I THE Under-written, the ſervant of God, Taher Ben Abdelkack Fenniſh, Do Certify, that his Imperial Majeſty, my maſter (whom God preſerve) having concluded a Treaty of Peace and Commerce with the United States of America, has ordered me, the better to compleat it, and in addition to the Tenth Article of the Treaty, to declare, "That, if any veſſel belonging to the United States ſhall be in any of the ports of his Majeſty's dominions, or within gun-ſhot of his forts, ſhe ſhall be protected as much as poſſible, and no veſſel whatever, belonging either to Mooriſh or Chriſtian powers, with whom the United States may be at war, ſhall be permitted to follow or engage her, as we now deem the citizens of America our good friends."

And, in obedience to his Majeſty's commands, I certify this declaration, by putting my hand and ſeal to it, on the 18th day of Ramadan, in the year One Thouſand Two Hundred.

(Signed)
The Servant of the King my Maſter, whom God preſerve,
TAHER BEN ABDELKACK FENNISH.

I DO Certify that the above is a true copy of the tranſlation made at Morocco by Iſaac Cordoza Nunez, Interpreter, of a declaration made and ſigned by Sidi Hage Taher Fenniſh, in addition to the Treaty between the Emperor of Morocco and the United States of America, which declaration, the ſaid Taher Fenniſh made by the expreſs directions of his Majeſty.

(Signed) THOMAS BARCLAY.

And whereas the ſaid John Adams and Thomas Jefferſon, miniſters plenipotentiary aforeſaid, by writing under their reſpective hands and ſeals, duly made and executed by the ſaid Johns Adams, on the 25th January 1787, and by the

the ſaid Thomas Jefferſon, on the 1ſt day of January 1787, did approve and conclude the ſaid Treaty, and every article and clauſe therein contained, reſerving the ſame nevertheleſs to the United States in Congreſs aſſembled for their final ratification.

NOW BE IT KNOWN, that we the ſaid United States of America in Congreſs aſſembled, have accepted, approved, ratified, and confirmed, and by theſe preſents do accept, approve, ratify and confirm the ſaid Treaty, and every article and clauſe thereof.

IN TESTIMONY WHEREOF, We have cauſed our Seal to be hereunto affixed; *witneſs*, his Excellency ARTHUR ST. CLAIR, our Preſident, at the City of New-York, this Eighteenth day of July, in the Year of our Lord, One Thouſand Seven Hundred and Eighty-Seven, and in the Twelfth Year of our Sovereignty and Independence.

THURSDAY, *July* 19, 1787.

Congreſs aſſembled---Preſent as before.

The committee conſiſting of Mr. Dane, Mr. Hawkins, Mr. Smith, Mr. Kean, and Mr. Carrington, to whom was referred a report of the ſecretary at war relative to incurſions and depredations on the frontiers of Virginia by the Wabaſh Indians, the Shawaneſe, and other hoſtile tribes, having reported,

That the ſuperintendant of Indian affairs for the northern department, and in caſe he be unable to attend, then col. Joſiah Harmer, immediately proceed to poſt St. Vincents, or ſome other place more convenient in his opinion for holding a treaty with thoſe Indians, inform that congreſs is ſincerely diſpoſed to promote peace, and friendſhip between their citizens and the Indians, and has determined to purſue effectual meaſures for puniſhing with ſtrict juſtice and impartiality the aggreſſors on either ſide.

A motion was made by Mr. Smith, ſeconded by Mr. Yates,

Yates, to ſtrike out the words "has determined to purſue effectual meaſures for puniſhing with ſtrict juſtice and impartiality the aggreſſors on either ſide," and on the queſtion ſhall thoſe words ſtand, the yeas and nays being required by Mr. Grayſon

Maſſachuſetts,	Mr. Holten	ay	ay
	Mr. Dane	ay	
New-York,	Mr. Smith	no	no
	Mr. Haring	no	
	Mr. Yates	no	
New-Jerſey,	Mr. Clark	ay	ay
	Mr. Scheurman	ay	
Pennſylvania,	Mr. St. Clair	no	no
	Mr. Irwine	no	
	Mr. Bingham	no	
Delaware,	Mr. Kearny	ay	ay
	Mr. Mitchell	ay	
Virginia,	Mr. Grayſon	ay	ay
	Mr. Lee	no	
	Mr. Carrington	ay	
North-Carolina,	Mr. Blount	no	no
	Mr. Hawkins	no	
South-Carolina,	Mr. Kean	no	dd
	Mr. Huger	ay	
Georgia,	Mr. Few	ay	ay
	Mr. Pierce	ay	

So the queſtion was loſt and the words were ſtruck out.

The report being further amended to read as follows:

"That the ſuperintendant of Indian affairs for the northern department, and in caſe he be unable to attend, then col. Joſiah Harmer, immediately proceed to poſt St. Vincents, or ſome other place more convenient in his opinion, for holding a treaty with thoſe Indians, inform, that congreſs is ſincerely diſpoſed to promote peace and friendſhip between their citizens and the Indians, and that to this end he is ſent to invite them in a friendly manner to a treaty with the united ſtates, to hear their complaints, to know the truth, and the cauſe of their quarrels with thoſe frontier ſettlers; and having invited thoſe Indians

to

to the treaty, he ſhall make ſtrict enquiry into the cauſes of their uneaſineſs and hoſtile proceedings, and form a treaty of peace with them, if it can be done on terms conſiſtent with the honor and dignity of the United States.

That the ſecretary at war place the troops of the United States in ſuch poſitions, as ſhall afford the moſt effectual protection to the frontier inhabitants of Pennſylvania and Virginia, from the incurſions and depredations of the Indians, for preventing intruſions on the federal lands, and promoting a favorable iſſue to the intended treaty.

That the executive of Virginia, be requeſted to give orders to the militia in the diſtrict of Kentuckey, to hold themſelves in readineſs to unite with the federal troops in ſuch operations as the officer commanding them may judge neceſſary for the protection of the frontiers: and that on the application of the commanding officer of the federal troops, the ſaid executive be requeſted to give orders, that a part of the ſaid militia, not exceeding one thouſand, be embodied, and take ſuch poſitions as the ſaid officer ſhall direct, for acting in conjunction with the federal troops, in protecting and defending the frontier inhabitants, and in making ſuch expeditions againſt the Indians, in caſe they continue hoſtile, as Congreſs ſhall order and direct. And in caſe the militia ſhall be called into the actual ſervice of the United States, for the defence of the ſaid frontier inhabitants, or the purpoſes of ſuch expedition, their pay and rations while ſo employed, ſhall be the ſame as the pay and rations of the regular troops, and the expences thereof ſhall be borne by the union---That the ſtate of Virginia ſhall pay and ſupport their militia, and be allowed therefor in the requiſition of the current year; provided the price of the ration ſhall not exceed the allowance made for the ration to the federal troops; and provided that no charges for the ſaid ſervice ſhall be valid, unleſs ſupported by actual muſters of the ſaid militia, made by the inſpector, or by a field officer of the troops of the United States, agreeable to the orders of the commander officer.

And to prevent wanton attacks upon the Indians by lawleſs men, which ſo eſſentially tend to deſtroy all peace

and friendſhip with the Indian nations, and to expoſe to their mercileſs revenge, not only the few guilty, but all the innocent and induſtrious inhabitants of the frontiers, that no perſon ſhall be allowed to paſs within the juriſdiction and territory of the United States north-weſt of the river Ohio, without a permit from the ſaid ſuperintendant, the commander of the troops, the geographer of the United States, or the commanding officer of a ſeparate poſt; and any perſon unlawfully paſſing in the ſame without ſuch permit, or who ſhall therein murder any Indian, or injure him in his perſon or property, ſhall be arreſted by the officers commanding the troops and tried and puniſhed in all caſes, prior to the eſtabliſhment of civil law in the ſaid territory for the prevention of offences, by law martial, in the ſame manner as the regular ſoldiers are tried and puniſhed for the like offences.

A motion was made by Mr. Irwine, ſeconded by Mr. Yates, that the further conſideration of the report be poſtponed; and on the queſtion to poſtpone, the yeas and nays being required by Mr. Irwine,

Maſſachuſſetts,	Mr. Holten	*no*	*no*
	Mr. Dane	*no*	
New-York,	Mr. Smith	*no*	*ay*
	Mr. Haring	*ay*	
	Mr. Yates	*ay*	
New-Jerſey,	Mr. Clark	*no*	*no*
	Mr. Scheurman	*no*	
Pennſylvania,	Mr. St. Clair	*ay*	*ay*
	Mr. Irwine	*ay*	
	Mr. Bingham,	*no*	
Delaware,	Mr. Kearny	*no*	*no*
	Mr. Mitchell	*no*	
Virginia,	Mr. Grayſon	*no*	*no*
	Mr. Carrington	*no*	
North-Carolina,	Mr. Blount	*no*	*no*
	Mr. Hawkins	*no*	
South-Carolina,	Mr. Kean	*no*	*no*
	Mr. Huger	*no*	

Georgia,

Georgia,	Mr. Few	no	no
	Mr. Pierce	no	

So it paſſed in the negative.

A motion was then made by Mr. Dane, ſeconded by Mr. Holten, to amend the report further by ſtriking out the ſentence "and in caſe the militia ſhall be called into actual ſervice, &c." "to federal troops inclusive," and in lieu thereof inſerting

And the militia which ſhall be called into the actual ſervice of the United States for the defence of the ſaid frontier inhabitants, or the purpoſes of ſuch expeditions, ſhall be paid, ſupported and equipped by the ſtate, and the ſtate ſhall be credited in the requiſition of the current year, the amount of their pay and rations only, computed on the federal eſtabliſhment; and on the queſtion to agree to this amendment the yeas and nays being required by Mr. Dane,

Maſſachuſetts	Mr. Holten	ay	ay
	Mr. Dane	ay	
New-York	Mr. Smith	ay	ay
	Mr. Yates	ay	
New-Jerſey	Mr. Clarke	ay	ay
	Mr. Scheurman	ay	
Pennſylvania	Mr. St. Clair	ay	ay
	Mr. Irwine	ay	
	Mr, Bingham	ay	
Delaware	Mr. Kearney	ay	ay
	Mr. Mitchell	ay	
Virginia	Mr. Grayſon	no	dd
	Mr. Carrington	ay	
North-Carolina	Mr. Blount	no	dd
	Mr. Hawkins	ay	
South-Carolina	Mr. Kean	ay	ay
	Mr. Huger	ay	
Georgia	Mr. Few	no	dd
	Mr. Pierce	ay	

So the queſtion was loſt.

FRIDAY, *July 20, 1787.*

Congreſs aſſembled---Preſent as before.

Con-

Congrefs refumed the confideration of the report under debate yefterday, and a motion was again made by Mr. Dane, which was feconded by Mr. Carrington, to amend it by ftriking the words "and in cafe the militia fhall be called, &c." to federal troops inclufive, and inferting the words propofed yefterday; and on the queftion to agree to this amendment, the yeas and nays and nays being required by Mr. Grayfon,

Maffachufetts,	Mr. Holten	*ay*	*ay*
	Mr. Dane	*ay*	
New-York,	Mr. Smith	*ay*	*ay*
	Mr. Haring	*ay*	
	Mr. Yates	*ay*	
New-Jerfey,	Mr. Clark	*ay*	*ay*
	Mr. Scheurman	*ay*	
Pennfylvania,	Mr. St. Clair	*ay*	*ay*
	Mr. Irwine	*ay*	
Delaware,	Mr. Kearny	*ay*	*ay*
	Mr. Mitchell	*ay*	
Virginia,	Mr. Grayfon	*no*	*ay*
	Mr. Lee	*ay*	
	Mr. Carrington	*ay*	
North-Carolina,	Mr. Blount	*ay*	*ay*
	Mr. Hawkins	*ay*	
South-Carolina,	Mr. Kean	*ay*	*ay*
	Mr. Huger	*ay*	
Georgia,	Mr. Few	*ay*	*ay*
	Mr. Pierce	*ay*	

So it was refolved in the affirmative.

Other amendments being made in the report,

On motion of Mr. Irwine, feconded by Mr. Smith,

Ordered, That the further confideration of the report be poftponed till to-morrow.

Congrefs then refumed the confideration of the report on the memorial of Samuel Holden Parfons, and a motion was made by Mr. Pierce, feconded by Mr. Holten, to amend the faid report by adding the following claufe: "The purchafer or purchafers to be at liberty for the term of two years from the clofing of this contract, to extend

tend their purchase upon the same terms within a line to be extended due north from the conflux of the branches of the Sciota at a place called Townlick, and the continuation of the west boundary of the seventh range of townships, as far as the east and west line of the northern boundary of the said range of townships; provided that there shall never be left any interstice, and that the northern boundary shall always be a due east and west line"

And on the question to agree to this amendment, the yeas and nays being required by Mr. Pierce,

Massachusetts,	Mr. Holten	*ay*	*ay*
	Mr. Dane	*ay*	
New-York,	Mr. Smith	*no*	*no*
	Mr. Haring	*no*	
	Mr. Yates	*no*	
New-Jersey,	Mr. Clark	*no*	*no*
	Mr. Scheurman	*no*	
Pennsylvania	Mr. St. Clair	*no*	*no*
	Mr. Irvine	*no*	
Delaware,	Mr. Kearny	*no*	*dd*
	Mr. Mitchell	*ay*	
Virginia,	Mr. Grayson	*ay*	*ay*
	Mr. R. H. Lee	*ay*	
	Mr. Carrington	*ay*	
North-Carolina,	Mr. Blount	*ay*	*ay*
	Mr. Hawkins	*ay*	
South-Carolina,	Mr. Kean	*no*	*dd*
	Mr. Huger	*ay*	
Georgia,	Mr. Few	*no*	*dd*
	Mr. Pierce	*ay*	

So the question was lost.

SATURDAY, *July* 21, 1787.

Congress assembled---Present as before.

Congress resumed the consideration of the report of the committee on the report of the secretary at war, relative to incursions and depredations on the frontiers of Virginia by

by the Wabash Indians, the Shawanese and other hostile tribes, and thereupon

Resolved, That the superintendant of Indian affairs for the northern department, and in case he be unable to attend, then Col. Josiah Harmer immediately proceed to post St. Vincents, or some other place more convenient, in his opinion, for holding a treaty with the Wabash Indians, the Shawanese and other hostile tribes; that he inform those Indians that Congress is sincerely disposed to promote peace and friendship between their citizens and the Indians; that to this end he is sent to invite them in a friendly manner to a treaty with the United States, to hear their complaints, to know the truth and the causes of their quarrels with those frontier settlers, and having invited those Indians to the treaty, he shall make strict enquiry into the causes of their uneasiness and hostile proceedings, and form a treaty of peace with them, if it can be done on terms consistent with the honor and dignity of the United States.

Resolved, That the superintendant of Indian affairs for the northern department, inform the five nations, the Hurons, and other Indian nations who joined in the representation made to Congress, dated 18th day of December, 1786, that Congress on the 18th of the present month, July, 1787, received their said representation, and have taken it into their serious consideration, and in due time will send them an answer.

Resolved, That the secretary at war place the troops of the United States in such positions as shall afford the most effectual protection to the frontier inhabitants of Pennsylvania and Virginia, from the incursions and depredations of the Indians, for preventing intrusions on the federal lands, and promoting a favorable issue to the intended treaty; to this end one company and a half shall remain at Venango, Fort Pitt, and Fort M'Intosh, one be posted on the Muskinghum, one on the Miami, three at Post St. Vincent's and the remaining troops at the rapids of the Ohio; subject, however, to such changes and alterations as the commanding officer shall judge the good of the service may require.

Resolved,

Resolved, That the executive of Virginia be requested to give orders to the militia in the district of Kentucky to hold themselves in readiness to unite with the federal troops in such operations as the officer commanding them may judge necessary for the protection of the frontiers; and that on the application of the commanding officer of the federal troops, the said executive be requested to give orders that a part of the said militia, not exceeding one thousand, be embodied, and take such positions as the said commanding officer shall direct for acting in conjunction with the federal troops, in protecting and defending the frontier inhabitants, and in making such expeditions against the Indians, in case they continue hostile, as Congress shall hereafter order and direct; and the militia which shall be called into the actual service of the United States for the defence of the said frontier inhabitants, or the purposes of such expeditions, shall be paid, supported and equipped by the state, and the state shall be credited in the requisition of the current year the amount of their pay and rations only, computed on the federal establishment for similar service; provided that no charges for the said service shall be valid unless supported by actual musters of the said militia, made by the inspector, or by a field officer of the troops of the United States, agreeable to the orders of the commanding officer.

Resolved, That the board of treasury take order for providing for the subsistence of the Indians during the treaty, and for defraying the incidental expences attending it; provided the said incidental expences shall not exceed one thousand dollars.

On the question to agree to the foregoing resolutions, as one entire act, the yeas and nays being required by Mr. Yates.

Massachusetts	Mr. Holten	*ay*	*ay*
	Mr. Dane	*ay*	
New-York	Mr. Smith	*ay*	*ay*
	Mr. Haring	*ay*	
	Mr. Yates	*no*	
New Jersey	Mr. Clarke	*ay*	*ay*
	Mr. Scheurman	*ay*	

Penn-

Pennſylvania	Mr. St. Clair	*no*	
	Mr. Irwine	*ay*	*ay*
	Mr. Bingham	*ay*	
Delaware	Mr. Kearney	*ay*	*ay*
	Mr. Mitchell	*ay*	
Virginia	Mr. Grayſon	*ay*	
	Mr. R. H. Lee	*ay*	*ay*
	Mr. Carrington	*ay*	
North Carolina	Mr. Blount	*ay*	*ay*
	Mr. Hawkins	*ay*	
South Carolina	Mr. Kean	*ay*	*ay*
	Mr. Huger	*ay*	
Georgia	Mr. Few	*ay*	*ay*
	Mr. Pierce	*ay*	

So it was reſolved in the affirmative.

MONDAY, *July* 23, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, New-York, Pennſylvania, Delaware, Virginia, North-Carolina, South-Carolina and Georgia.

On motion of Mr. Dane, ſeconded by Mr. Holten,

Reſolved, That all perſons having unliquidated claims againſt the United States, pertaining to the late commiſſary's, quartermaſter's, hoſpital, cloathier's, or marine department, ſhall exhibit particular abſtracts of ſuch claims to the proper commiſſioner appointed to ſettle the accounts of thoſe departments, within eight months from the date hereof; and all perſons having other unliquidated claims againſt the United States, ſhall exhibit a particular abſtract thereof to the comptroller of the treaſury of the United States, within one year from the date hereof: and all accounts not exhibited as aforeſaid, ſhall be precluded from ſettlement or allowance.

On a report of the ſecretary for foreign affairs,

Reſolved, That Congreſs are well pleaſed with the conduct of Thomas Barclay, eſquire, in the courſe of the negociations on the part of the United States with his imperial majeſty of Morocco, as detailed and repreſented in his and other letters and papers tranſmitted to them.

TUES-

TUESDAY, *July* 24, 1787.

Congrefs affembled----Prefent, Maffachufetts, New-York, Pennfylvania, Delaware, Virginia, North-Carolina and Georgia; and from South-Carolina Mr. Kean.

On motion of Mr. Pierce, feconded by Mr. Smith,

Ordered, That Thurfday next be affigned for appointing an officer to fuperintend the coinage of copper, purfuant to the act of the 21ft of April laft.

WEDNESDAY, *July* 25, 1787.

Congrefs affembled----Prefent, Maffachufetts, New-York, New-Jerfey, Pennfylvania, Delaware, Virginia, North-Carolina and Georgia; and from South-Carolina Mr. Kean.

Congrefs refumed the confideration of a report from the fecretary at war, to whom had been referred certain papers tranfmitted by the fuperintendant of Indian affairs for the northern department, and the following paragraph being under debate, viz. "That a general treaty be held with the tribes of Indians within the limits of the United States, inhabiting the country northward of the Ohio and about lake Erie, agreeably to the united requefts of the chiefs of the faid tribes, dated the 18th day of December, 1786;" A motion was made by Mr. Carrington, feconded by Mr. Grayfon, to amend the paragraph by ftriking out what follows the words, "tribes of Indians," and inftead thereof inferting "northward and eaftward of Ohio, for the purpofes of obtaining further ceffions of their claims to lands, and eftablifhing permanent principles of amity and commerce between the United States and the faid Indians;" a motion was made by Mr. Dane, feconded by Mr. Few, to amend the amendment propofed, by ftriking out the words "obtaining further ceffions of their claims to land and," And on the queftion fhall thofe words ftand, the yeas and nays being required by Mr. Grayfon,

Maffachufetts	Mr. Holten	*no* } *no*
	Mr. Dane	*no* }

New

New-York	Mr. Smith	no	no
	Mr. Haring	no	
	Mr. Yates	no	
New-Jerſey	Mr. Clarke	ay	*
Pennſylvania	Mr. St. Clair	no	no
	Mr. Irwine	ay	
	Mr. Bingham	no	
Delaware	Mr. Kearney	ay	dd
	Mr. Mitchell	no	
Virginia	Mr. Grayſon	ay	ay
	Mr. R. H. Lee	ay	
	Mr. Carrington	ay	
North-Carolina	Mr. Blount	ay	ay
	Mr. Hawkins	ay	
South-Carolina	Mr. Kean	no	*
Georgia	Mr. Few	no	no
	Mr. Pierce	no	

So the queſtion was loſt, and the words were ſtruck out.

THURSDAY, *July* 26, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, New-York, New Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina, and Georgia, and from Rhode-Iſland, Mr. Varnum, and from South-Carolina, Mr. Kean.

On the report of a committee conſiſting of Mr. Dane, Mr. Hawkins, and Mr. Pierce, to whom was referred a letter from the poſtmaſter general,

Reſolved, That the poſtmaſter general be, and he is hereby authoriſed and inſtructed, to enter into contracts, with ſufficient ſecurity, for the conveyance of the mails for one year, commencing on the firſt day of January next, from Portland in Maſſachuſetts, to Savannah in Georgia, by ſtage carriages, if practicable, and that the ſame be done by four or more ſeparate contracts; and in caſe of only four contracts, the firſt to extend from Portland to New-York; the ſecond from New-York to Philadelphia; the third from Philadelphia to Suffolk in Virginia; and the fourth from Suffolk to Savannah, by ſuch route as the poſtmaſter general may find moſt convenient.

Reſolved,

Resolved, That so far as respects the contract from Suffolk to Savannah, the postmaster general may agree that the mail shall be carried twice a week from the first of May to the first of November, and once a week from the first of November to the first of May.

FRIDAY, *July* 27, 1787.

Congress assembled---Present as yesterday.

Congress resumed the consideration of the report of the committee on the letter from the postmaster general, and thereupon

Resolved, That the postmaster general be, and he is hereby authorised and instructed to make arrangements for the transportation of the mail for one year, from the first day of January next, on the cross roads mentioned in the resolve of Congress passed the 4th September, 1786, and also for the establishment of a cross post from Fredericksburgh in Virginia, to Hobb's Hole on Rappahanock river; and from thence to the port of entry on Yeocomico upon Potomac river, and from thence to Urbanna, the port of entry on Rappahanock river, on the principles provided in the resolution of the 15th February, 1787.

SATURDAY, *July* 28, 1787.

Congress assembled--Present Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia; and from Rhode Island, Mr. Varnum, and from South-Carolina, Mr. Huger.

MONDAY, *July* 30, 1787.

Congress assembled---Present as on Saturday.

TUESDAY, *July* 31, 1787.

Congress assembled--Present Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, South-Carolina and Georgia; and from Rhode-Island Mr. Varnum.

On,

On a report of the board of treasury to whom was referred a memorial of Donald Campbell, with directions to report fully on his accounts, and to settle what is equitably due to him.

Resolved, That there be allowed to Donald Campbell, late a deputy quarter-master general in the service of the United States, the sum of four thousand two hundred and sixty dollars, being the amount of the pay due to him at the rate of forty dollars per month, from the 17th of July, 1775, to the 2d of June, 1784, being the period when the whole army of the United States was disbanded; as also the farther sum of four hundred and forty dollars 49-90ths, on account of arrearages of rations of provisions and forage due to him from the 1st January, 1776, to the 13th February, 1777, at which period he ceased to be in actual service.

Resolved, That the above sums bear interest at the expiration of each year, as they respectively became due; and the same be in full of all claims of the said Donald Campbell against the United States.

Resolved, That the memorial of Donald Campbell, praying that his accounts as deputy quarter-master general (which were finally adjusted on the 24th November, 1781) might be revised, and that the principal and interest of the certificate by him received for the balance, should be discharged, cannot be complied with.

On a report of the secretary at war,

Resolved, That the secretary at war transmit to lieutenant colonel commandant Harmer, a brevet commission of brigadier-general, and that he be allowed the emoluments, but not the pay of the said rank; the allowance to commence with and continue during his command on the frontiers.

WEDNESDAY, *August* 1, 1787.

Congress assembled---Present as yesterday.

On a report of the board of treasury, to whom was referred a memorial of Samuel Nicholson, late a captain in the navy of the United States, *Resolved*,

Resolved, That the commissioner of marine accounts, in settling the accounts of the officers, seamen and marines of the late navy of the United States, govern himself by the principles established for the line of the army by the act of Congress of the 10th of April, 1780, so far as the same relates to the allowance for depreciation; provided that no officer, seaman or marine be entitled to the benefit of this resolve, who was not in service, or liable to be called into service on the 10th April, 1780.

THURSDAY, *August* 2, 1787.

Congress assembled----Present Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, and South-Carolina, and from Rhode-Island, Mr. Varnum, and from Georgia, Mr. Few.

Mr. Pierce Butler, a delegate for South-Carolina, attended and produced credentials, whereby it appears, that on the 6th March last, he was appointed a delegate to represent the said state in Congress until the first Monday in November next.

The committee consisting of Mr. Varnum, Mr. Clarke, and Mr. Dane, to whom was referred a letter of 24th January, 1787, from the governor of Virginia, with the papers inclosed, having reported, "That the request of Virginia to be credited the expences of a late expedition against the Indians on both sides of the Ohio, as stated in governor Randolph's letter of the 24th January last, cannot be complied with, the said expedition not having been authorised by, or conducted under the knowledge or direction of the United States."

A motion was made by Mr. Grayson, seconded by Mr. Carrington, to strike out the word "cannot," and the words "the said expedition, &c." to the end: And on the question shall the words moved to be struck out stand? the veas and nays being required by Mr. Grayson.

Massachusetts	Mr. Holten	*ay* } *ay*
	Mr. Dane	*ay* }
Rhode-Island	Mr. Varnum	*ay*)*

New-

New-York	Mr. Haring	*ay*	*ay*
	Mr. Yates	*ay*	
New Jerſey	Mr. Clarke	*ay*	*ay*
	Mr. Scheurman	*ay*	
Pennſylvania	Mr. St. Clair	*ay*	*ay*
	Mr. Irwine	*ay*	
Delaware	Mr. Kearney	*ay*	*ay*
	Mr. Mitchell	*ay*	
Virginia	Mr. Grayſon	*no*	*no*
	Mr. R. H Lee	*ay*	
	Mr. Carrington	*no*	
South Carolina	Mr. Kean	*ay*	*ay*
	Mr. Huger	*ay*	
	Mr. Butler, excuſed.		
Georgia	Mr. Few	*no*)*	

So the queſtion was loſt, and the words were ſtruck out.

FRIDAY, *Auguſt 3*, 1787.

Congreſs aſſembled--Preſent Maſſachuſetts, New-York, Pennſylvania, Delaware, Virginia, North-Carolina, & South Carolina; and from Rhode-Iſland, Mr. Varnum, from New-Jerſey, Mr. Clarke, and from Georgia, Mr. Few.

A motion was made by Mr. Few, ſeconded by Mr. Blount, in the following words:

Whereas it appears by information received from the ſuperintendant of Indian affairs for the ſouthern department, that ſome miſunderſtanding prevails among the Creek Indians, which it is neceſſary ſhould be inveſtigated in order that juſtice may be done, and ſuch meaſures taken as will eſtabliſh peace and friendſhip with the ſaid Indians: *Reſolved*, That the ſuperintendant of Indian affairs for the ſouthern department be directed, to invite the kings and headmen of the Creek nation to a conference, to be held at on the day of or at ſuch other time and place as he, in conjunction with the executive of the ſtate of Georgia may think expedient; that the legiſlature of the ſtate of Georgia, or in its receſs, the executive of the ſaid ſtate be requeſted to appoint a commiſſioner to act with

with the ſuperintendant, who are hereby authoriſed and inſtructed to inform the Creek Indians, that Congreſs wiſh to hear and redreſs all their grievances, and to eſtabliſh ſuch principles as will beſt ſecure the tranquility, peace and friendſhip of that nation——That the ſaid ſuperintendant and commiſſioner be directed to enquire fully into the cauſes of all complaints and differences that may have ariſen with the ſaid Indians; to explain and confirm all former treaties, and fix the line circumſcribing the Indians hunting ground, and to uſe all the means in their power to ſatisfy and do them ample juſtice, and report to Congreſs in all caſes where it may ſo happen that their powers will not extend, to fully effect thoſe purpoſes —— That the ſtate of Georgia be requeſted to furniſh ſuitable goods to the amount of and the late commiſſioners for treating with the Indians of the ſouthern department be directed to deliver to the ſuperintendant, all the merchandiſe in their hands belonging to the United States, to be diſtributed among the ſaid Indians, in ſuch manner as may be thought moſt expedient, by the ſaid ſuperintendant and commiſſioner.

A motion was then made by Mr. Dane, ſeconded by Mr. Lee, to poſtpone that motion in order to take up the report of a committee on the ſubject of Indian affairs in the ſouthern department, viz.

The committee conſiſting of Mr. Kearney, Mr. Carrington, Mr. Bingham, Mr. Smith, and Mr. Dane, to whom was referred the report of the ſecretary at war, and ſundry papers relative to Indian affairs in the ſouthern department; and alſo a motion of the delegates from the ſtate of Georgia, report, That the ſaid papers referred to them ſtate, firſt, that certain encroachments are made on the lands of the Creek and Cherokee nations, by the people of Georgia and North-Carolina. *Secondly*, That there is no regular trade between our citizens and the Indian nations in that department, by which thoſe nations can obtain a certain ſupply of goods, arms, &c. that theſe nations wiſh to have connections with the United States only; that their neceſſities, however, are ſuch, that if they cannot be

be regularly ſupplied by our traders, they muſt liſten to the repeated invitations made them to turn their trade to; and to ſeek ſupplies from another quarter. That the ſaid motion, among other things, ſtates, that there is reaſon to apprehend the Creek Indians are meditating a ſerious blow againſt the inhabitants of Georgia; and propoſes, that it be recommended to that ſtate to uſe every poſſible means to preſerve peace between her citizens and thoſe Indians; and that Congreſs reſolve, they are bound to draw forth a ſufficient number of the forces of the Union to puniſh any nation or tribe of Indians that ſhall attempt to make war on either of the United States, by attacking or killing any of their citizens. On theſe ſubjects the committee obſerve, that the encroachments complained of appear to demand the ſerious attention of Congreſs, as well becauſe they may be unjuſtifiable, as on account of their tendency to produce all the evils of a general Indian war on the frontiers. The committee are convinced that a ſtrict enquiry into the cauſes and circumſtances of the hoſtilities often committed in and near the frontier ſettlements, ought to be made; that it is become neceſſary for government to be explicit and deciſive; and to ſee that impartial juſtice is done between the parties: that juſtice and policy, as well as the true intereſts of our citizens, evince the propriety of promoting peace and a free trade between them and the Indians. Various circumſtances ſhew that the Indians in general, within the United States, want only to enjoy their lands without interruption, and to have their neceſſities regularly ſupplied by our traders, and could theſe objects be affected, no other meaſures would, probably, be neceſſary for ſecuring peace, and a profitable trade with thoſe Indians. The committee are not informed what meaſures have been adopted by the ſuperintendants to promote a regular trade between our people and the Indian nations, or for preventing intruſions upon the lands of the latter, ſeveral tribes complain that their land is taken from them, and that they ſuffer very much for want of ſuch trade. As information relative to theſe ſubjects muſt, principally come from the frontier

tier settlers, the Indians and traders residing among them; the committee are sensible that facts cannot always be well ascertained; but in the present case, there is sufficient evidence to shew that those tribes do not complain altogether without cause. An avaricious disposition in some of our people to acquire large tracts of land, and often by unfair means, appears to be the principal source of difficulties with the Indians. There can be no doubt that settlements are made by our people on the lands secured to the Cherokees, by the late treaty between them and the United States; and also on lands near the Oconee, claimed by the Creeks; various pretences seem to be set up by the white people for making those settlements, which the Indians, tenacious of their rights, appear to be determined to oppose. From these contrary claims, difficulties arise which are not easily removed. The respective titles cannot readily be investigated; but there is another circumstance far more embarrassing, and that is, the clause in the confederation relative to managing all affairs with the Indians, &c. is differently construed by Congress and the two states within whose limits the said tribes and disputed lands are. The construction contended for by those states, if right, appears to the committee, to leave the federal powers, in this case, a mere nullity; and to make it totally uncertain on what principle Congress is to interfere between them and the said tribes: The states not only contend for this construction, but have actually pursued measures in conformity to it. North-Carolina has undertaken to assign land to the Cherokees, and Georgia has proceeded to treat with the Creeks concerning peace, lands, and the objects usually the principal ones in almost every treaty with the Indians. This construction appears to the committee not only to be productive of confusion, disputes, and embarrassments in managing affairs with the independent tribes within the limits of the states, but by no means the true one. The clause referred to is,——"Congress shall have the sole and exclusive right and power of regulating the trade and managing

ing all affairs with the Indians, not members of any of the ſtates; provided that the legiſlative right of any ſtate, within its own limits, be not infringed or violated." In forming this clauſe, the parties to the federal compact, muſt have had ſome definite objects in view; the objects that come into view, principally, in forming treaties or managing affairs with the Indians, had been long underſtood, and pretty well aſcertained in this country. The committee conceive that it has been long the opinion of the country, ſupported by juſtice and humanity, that the Indians have juſt claims to all lands occupied by, and not fairly purchaſed from them; and that in managing affairs with them, the principal objects have been thoſe of making war and peace, purchaſing certain tracts of their lands, fixing the boundaries between them and our people, and preventing the latter ſettling on lands left in poſſeſſion of the former. The powers neceſſary to theſe objects appear to the committee to be indiviſible, and that the parties to the confederation muſt have intended to give them entire to the union, or to have given them entire to the ſtate;——Theſe powers before the revolution were poſſeſſed by the king, and exerciſed by him, nor did they interfere with the legiſlative right of the colony within its limits; this diſtinction which was then, and may be now taken, may perhaps ſerve to explain the proviſo, part of the recited clauſe. The laws of the ſtate can have no effect upon a tribe of Indians, or their lands, within the limits of the ſtate, ſo long as that tribe is independent, and not a member of the ſtate, yet the laws of the ſtate may be executed upon debtors, criminals, and other proper objects of thoſe laws, in all parts of it; and therefore the union may make ſtipulations with any ſuch tribe, ſecure it in the enjoyment of all or part of its lands, without infringing upon the legiſlative right in queſtion. It cannot be ſuppoſed the ſtate has the powers mentioned, without making the recited clauſe uſeleſs, and without abſurdity in theory as well as in practice; for the Indian tribes are juſtly conſidered the common friends or enemies of the United States, and no particular ſtate can have an exclu-

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ſive intereſt in the management of affairs with any of the tribes, except in ſome uncommon caſes. The committee find it difficult to reconcile the ſaid conſtruction of the recited clauſe made by the two ſtates, and their proceedings before mentioned, eſpecially thoſe of Georgia, with what they conceive to be the intentions of thoſe who made the ſaid motion---for the committee preſume that the delegates of Georgia do not mean that Congreſs is bound to ſend their forces to puniſh ſuch nations as the ſtate ſhall name, to act in aid of the ſtate authority; to ſend her forces and recal them as ſhe ſhall ſee fit, to make war or peace; ſuch an idea cannot be conſiſtent with the dignity of the union, and the principles of the federal compact. But the committee conceive that it is the opinion of the honorable movers, and alſo the general opinion, that all wars and hoſtile meaſures againſt the Creeks, or any other independent tribe of Indians, ought to be conducted under the authority of the union, at leaſt where the forces of the union are employed, that the power to conduct a war clearly implies the power to examine into the juſtice of the war, to make peace, and adjuſt the terms of it; and that, therefore, the terms or words of the ſaid motion, if it be adopted by Congreſs at all, muſt be varied accordingly. But whatever may be the true conſtruction of the recited clauſe, the committee are perſuaded that it muſt be impracticable to manage affairs with the Indians within the limits of the two ſtates, ſo long as they adhere to the opinions and meaſures they ſeem to have adopted. The difficulties, in fact, exiſt; the ſtates think it is their duty to counteract the powers of Congreſs, when carried, in conducting affairs with thoſe Indians, beyond thoſe narrow limits which the ſaid ſtates preſcribe — the queſtion therefore is, how ſhall theſe difficulties be avoided in a manner moſt agreeable to both Congreſs and the ſtates? — The committee diſcern but two ways practicable; the one is for the two ſtates to make liberal ceſſions of territory to the United States---the other is, for thoſe ſtates to accede to Congreſs's managing, excluſively, all affairs with the Cherokees, Creeks, and other independent

tribes

tribes within the limits of the ſaid ſtates, ſo that Congreſs, in either caſe, may have the acknowledged power of regulating trade, and making treaties with thoſe tribes, and of preventing on their lands, the intruſions of the white people. That of making liberal ceſſions of territory, all things conſidered, appears to be the moſt eligible, and likely to meet the approbation of the two ſtates——ſeveral circumſtances induce the committee to think this the beſt mode; they preſume the two ſtates will act on liberal principles, and adopt meaſures founded in ſound policy, and calculated to promote the national intereſt,--they will conſider that the lands propoſed to be ceded, were arreſted from Great-Britain by the common exertions of the confederacy, and that other ſtates have ceded lands to the union in a ſimilar ſituation, which are now ſelling for the common benefit of all the ſtates. The committee conceive that ſeveral other conſiderations cannot eſcape the obſervation of the two ſtates, which may be urged in favor of the ceſſions; among other things of importance to thoſe ſtates, as well as to the union, muſt be the advantages ariſing from putting the management of Indian affairs into the hands of Congreſs alone, and preventing irregular and diſperſed ſettlements on the lands propoſed to be ceded. The committee believe that the two ſtates, upon re-conſidering the ſubject, will be diſpoſed to follow the liberal examples of the other ſtates in a ſimilar ſituation, and eſpecially, as it will probably appear to the two ſtates, that by making the propoſed ceſſions, thoſe difficulties they now experience, will be removed, that is, the controverſies reſpecting Indian affairs, and thoſe diſperſed ſettlements which tend to render the governments week and feeble, and to produce expenſive and calamitous wars with the Indians. The committee further obſerve on the ſubjects referred to them, that it is probable the Indians in the ſouthern department will turn their trade to Florida, unleſs regularly ſupplied by our citizens and traders; and that the attention of the ſuperintendant in that department ought to be ſeaſonably directed to the encouragement and promotion of a regular trade between our citizens and thoſe

Indians

Indians. That the dispute between Georgia and the Creeks is become so serious, that it is probable a war will ensue, and the interference of the union become necessary, unless early measures be adopted for settling the controversy respecting the said Oconee lands; the committee think, therefore, that it should be recommended to that state, to use all possible means for preserving peace with the Creeks, and that they and the Cherokees be informed, that Congress are pursuing measures for adjusting all disputes about their lands,——That Georgia be informed that Congress consider the union bound by the federal compact to protect every part of the nation, as well against the unjust and unprovoked attacks of the independent tribes of Indians within the United States, as against foreign powers---that Congress, however, can never employ the forces of the union in any cause, the justice of which they are not fully informed and convinced, nor constitutionally interfere in behalf of the state against any such independent tribe, but on the principle that Congress shall have the sole direction of the war, and the settling of all the terms of peace with such Indian tribe.——Whereupon the committee suggest the following resolutions: *Resolved*, That it be, and it hereby is earnestly recommended to the states of North-Carolina and Georgia, respectively, to make liberal cessions of territory to the United States, for their common benefit, to be governed and disposed of in the same manner as the territory of the United States, north west of the river Ohio is, and shall be governed and disposed of. *Resolved*, That it be recommended to the state of Georgia, to use all possible means to preserve peace and friendship between the citizens of that state and the upper and lower Creek Indians, consistent with the principles of the confederation. *Resolved*, That Congress esteem it their duty to consider the causes and circumstances of any dispute or hostile proceedings between any state, or the citizens thereof, and any Indian tribe or tribes of Indians within the limits of the United States, not members of any of the states, and that Congress is bound to employ the forces of the union to punish any such tribe or tribes which

which ſhall make unjuſt and unprovoked attacks upon any part of the United States. *Reſolved*, That the ſuperintendant of Indian affairs in the ſouthern department be directed, without delay, to inform the Creeks and Cherokees, that Congreſs are purſuing meaſures for ſettling all diſputes about the lands claimed by them and the white people——that he be directed to inform the Indians in his department, that Congreſs is always diſpoſed to hear their complaints, which muſt be made through the ſuperintendant, to redreſs their grievances, and to preſerve peace and laſting friendſhip with them; and that he be directed to report the meaſures that have been adopted for ſupplying thoſe Indians with merchandiſe.

On the queſtion to poſtpone for the purpoſe above mentioned, the yeas and nays being required by Mr. Few,

Maſſachuſetts	Mr. Holten	*ay*	*ay*
	Mr. Dane	*ay*	
Rhode-Iſland	Mr. Varnum	*ay)**	
New-York	Mr. Haring	*ay*	*ay*
	Mr. Yates	*ay*	
New Jerſey	Mr. Clarke	*ay)**	
Pennſylvania	Mr. St. Clair	*ay*	*ay*
	Mr. Irwine	*ay*	
	Mr. Armſtrong	*ay*	
Delaware	Mr. Kearney	*ay*	*ay*
	Mr. Mitchell	*ay*	
Virginia	Mr. Grayſon	*no*	*no*
	Mr. R. H. Lee	*ay*	
	Mr. Carrington	*no*	
North-Carolina,	Mr. Blount	*no*	*dd*
	Mr. Hawkins	*ay*	
South Carolina	Mr. Kean	*ay*	*ay*
	Mr. Huger	*ay*	
	Mr. Butler	*no*	
Georgia	Mr. Few	*no)**	

So the queſtion was loſt.

MONDAY, *Auguſt* 6, 1787.

Five ſtates only attending, namely, Maſſachuſetts, New-York,

York, Pennſylvania, Delaware, and Virginia; and from Rhode-Iſland, Mr. Varnum, the preſident adjourned Congreſs until to-morrow, 11 o'clock.

TUESDAY, *Auguſt* 7, 1787.

Five ſtates attended as yeſterday; and from Rhode-Iſland, Mr. Varnum, and from South-Carolina, Mr. Kean.

WEDNESDAY, *Auguſt* 8, 1787.

Six ſtates attended, namely, Maſſachuſetts, New-York, New-Jerſey, Pennſylvania, Delaware, and Virginia; and from Rhode-Iſland, Mr. Varnum, and from South-Carolina, Mr. Kean.

THURSDAY, *Auguſt* 9, 1787.

Congreſs aſſembled----Preſent Maſſachuſetts, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, and South-Carolina; and from Rhode-Iſland, Mr. Varnum.

The delegates of South-Carolina, having laid before Congreſs, an act of the legiſlature of that ſtate, empowering the delegates thereof to cede to the United States the claim of the ſaid ſtate to a certain tract of Weſtern territory; and the ſaid delegates having preſented to Congreſs a draught of a deed which they were ready to ſign, in compliance with the ſaid act, provided Congreſs are willing to accept the ſaid ceſſion.

Reſolved, That Congreſs are ready to accept the ceſſion of the claim of the ſtate of South-Carolina, to the tract of country deſcribed in the act of the ſaid ſtate, whenever the delegates will execute a deed conformable to the ſaid act.

On application from the honorable N. Gorham, ſtating that he has a ſchooner at Boſton, called the *Machias*, William Cowell, maſter, bound for Mogadore in Morocco, and praying for a ſea letter for the ſaid ſchooner.

Ordered,

Ordered, That ſea letters, in the uſual form, be granted for the ſchooner the *Machias*, William Cowell, maſter.

A motion having been made by the delegates of South-Carolina,

That the convention held and concluded between the commiſſioners of the ſtates of South-Carolina and Georgia, at Beaufort in the ſtate of South-Carolina, on the 28th day of April, in the year of our Lord 1787, in the words following, to wit: "Convention between the ſtates of South-Carolina and Georgia, concluded at Beaufort in the ſtate of South-Carolina, on the twenty-eighth day of April, in the year of our Lord one thouſand ſeven hundred and eighty-ſeven, and in the eleventh year of the independence of the United States of America;---to all to whom theſe preſents ſhall come, the underwritten Charles Coteſworth Pinckney, Andrew Pickens, and Pierce Butler, eſquires, commiſſioners appointed by the ſtate of South-Carolina of the one part, and the underwritten John Haberſham, and Lachlan M'Intoſh, eſquires, a majority of the commiſſioners appointed by the ſtate of Georgia, of the other part, ſend greeting---whereas the ſtate of South-Carolina did heretofore preſent a petition to the United States in Congreſs aſſembled, and did therein ſet forth, that a diſpute and difference had ariſen and ſubſiſted between the ſtates of South-Carolina and Georgia, concerning boundaries; the ſaid ſtates claiming reſpectively the ſame territories, and that the caſe and claim of the ſtate of South-Carolina was as follows, that is to ſay,---"Charles the ſecond, king of Great-Britain, by charter, dated the twenty-fourth day of March, in the fifteenth year of his reign, granted to eight perſons therein named, as lords proprietors thereof, all the lands lying and being within his dominions of America, between thirty-one and thirty-ſix degrees of north latitude, in a direct weſt line to the South Seas, ſtiling the lands ſo deſcribed, the Province of Carolina. That on the thirtieth day of June, in the ſeventeenth year of his reign, the ſaid king granted to the ſaid lords proprietors a ſecond charter, enlarging the bounds

bounds of Carolina, viz. from twenty-nine degrees of north latitude, to thirty-ſix degrees thirty minutes, and from thoſe points on the ſea coaſt weſt, in a direct line to the South Seas. That ſeven of the ſaid proprietors of Carolina ſold and ſurrendered to George the ſecond, late king of Great-Britain, all their title and intereſt to the ſaid province; and the ſhare of the remaining proprietor was ſeparated from the king's, and allotted to him in the north part of North-Carolina, that Carolina was afterwards divided into two provinces, called North and South Carolina. That by a charter dated the ninth day of June, one thouſand ſeven hundred and thirty-two, George the ſecond, king of Great-Britain, granted to certain perſons therein named, all the lands lying between the rivers Savannah and Alatamaha, and between lines to be drawn from the heads of thoſe rivers reſpectively, to the South Sea, and ſtiled the ſaid colony, Georgia. That by the treaty of peace concluded at Paris, on the tenth day of February, one thouſand ſeven hundred and ſixty-three, the river Miſſiſippi was declared to be the weſtern boundary of the North-American colonies; that the governor of South Carolina, in the year one thouſand ſeven hundred and ſixty-two, conceiving that the lands to the ſouthward of the Alatamaha ſtill belonged to South Carolina, granted ſeveral tracts of the ſaid lands. That the government of Georgia complained to the king of Great-Britain, reſpecting thoſe grants, as being for lands within its limits, and thereupon his majeſty, by proclamation dated the ſeventh day of October, one thouſand ſeven hundred and ſixty-three, annexed to Georgia, all the lands lying between the rivers Alatamaha and St. Mary, the validity of the grants paſſed by the governor of South Carolina, as aforeſaid, remaining however acknowledged and unconteſted, and the grantees of the ſaid land, or their repreſentative, ſtill holding it as their legal eſtate. That South Carolina claims the lands lying between the North-Carolina line, and the line run due weſt from the mouth of Tugoloo river to the Miſſiſippi, becauſe as the ſaid ſtate contends, the river

river Savannah loſes that name at the confluence of Tugoloo and Keowee rivers, conſequently that ſpot is the head of Savannah river. The ſtate of Georgia, on the other hand, contends that the ſource of Keowee river is to be conſidered as the head of Savannah river. That the ſtate of South Carolina alſo claims all the lands lying between a line to be drawn from the head of the river St. Mary, the head of Alatamaha, the Miſſiſippi and Florida, being as the ſaid ſtate contends, within the limits of its charter, and not annexed to Georgia by the ſaid proclamation of one thouſand ſeven hundred and ſixty-three. The ſtate of Georgia, on the other hand, contends that the tract of country laſt mentioned, is a part of that ſtate. The ſtate, of South Carolina did therefore, by their ſaid petition, pray for a hearing and determination of the differences and diſpute ſubſiſting as aforeſaid, between the ſaid ſtate and Georgia, agreeable to the articles of confederation and perpetual union between the United States of America: And whereas the ſtate of Georgia were duly notified of the ſaid petition, and did by their lawful agents appear, in order to eſtabliſh their right to the premiſes, in the manner directed by the ſaid articles of confederation; and proceedings were thereon had in Congreſs, in order to the appointment of judges to conſtitute a court for hearing and determining the ſaid matter in queſtion. And whereas it appeared to be the ſincere wiſh and deſire of the ſaid ſtates of South Carolina and Georgia, that all and ſingular the differences and claims ſubſiſting between the ſaid ſtates, relative to boundary, ſhould be amicably adjuſted and compromiſed. And whereas the legiſlature of the ſtate of South-Carolina did elect the above named Charles Cotesworth Pinckney, Andrew Pickens, and Pierce Butler, eſquires, commiſſioners, and did inveſt them, or a majority of them, with full and abſolute power and authority, in behalf of that ſtate, to ſettle and compromiſe all and ſingular the differences, controverſies, diſputes and claims which ſubſiſt between the ſaid ſtate and the ſtate of Georgia, relative to boundary, and to eſtabliſh and permanently fix a boundary between the two ſtates. And the

ſaid

ſaid ſtate of South Carolina did declare that it would at all times thereafter ratify and confirm all and whatſoever the ſaid commiſſioners, or a majority of them ſhould do in, and touching the premiſes, and that the ſame ſhould be forever binding on the ſaid ſtate of South Carolina. And whereas the legiſlature of the ſtate of Georgia did appoint John Houſtoun, John Haberſham, and Lachlan M'Intoſh, eſquires, commiſſioners, and did inveſt them with full and abſolute power and authority in behalf of that ſtate, to ſettle and compromiſe all and ſingular the differences, controverſies, diſputes, and claims which ſubſiſt between the ſaid ſtate and the ſtate of South-Carolina relative to boundary, and to eſtabliſh and permanently fix a boundary between the two ſtates. And the ſaid ſtate of Georgia did alſo declare, that it would at all times thereafter ratify and confirm all and whatſoever the ſaid laſt mentioned commiſſioners, or a majority of them, ſhould do in and touching the premiſes, and that the ſame ſhould be forever binding on the ſaid ſtate of Georgia. Now therefore, Know Ye, that the underwritten commiſſioners on the part of the ſtates of South Carolina and Georgia, reſpectively, having by mutual conſent, aſſembled at the town of Beaufort, in the ſtate of South Carolina, on the twenty-fourth day of this preſent month of April, in order to the due execution of their reſpective truſts, and having reciprocally exchanged and conſidered their full powers, and declared the ſame legal, and forever binding on both ſtates, and having conferred together on the moſt effectual means of adjuſting the differences ſubſiſting between the two ſtates, and of eſtabliſhing and permanently fixing a boundary between them, have agreed, and by theſe preſents, for and in behalf of their reſpective ſtates, do mutually agree to the following articles, that is to ſay: Article the *firſt*. The moſt northern branch or ſtream of the river Savannah, from the ſea or mouth of ſuch ſtream, to the fork or confluence of the rivers now called Tugoloo and Keowee, and from thence the moſt northern branch or ſtream of the ſaid river Tugoloo, till it interſects the northern boundary line of South Carolina, if the ſaid branch or ſtream of Tugoloo

extends

extends ſo far north, reſerving all the iſlands in the ſaid rivers Savannah and Tugoloo, to Georgia; but if the head ſpring or ſource of any branch or ſtream of the ſaid river Tugoloo does not extend to the north boundary line of South Carolina, then a weſt line to the Miſſiſippi to be drawn from the head ſpring or ſource of the ſaid branch or ſtream of Tugoloo river, which extends to the higheſt northern latitude, ſhall forever hereafter form the ſeparation, limit and boundary between the ſtates of South Carolina and Georgia. Article the *ſecond*. The navigation of the river Savannah, at and from the bar and mouth along the north-eaſt ſide of Cockſpur iſland, and up the direct courſe of the main northern channel along the northern ſide of Hutchinſon's iſland, oppoſite the town of Savannah, to the upper end of the ſaid iſland, and from thence up the bed or principal ſtream of the ſaid river, to the confluence of the rivers Tugoloo and Keowee, and from the confluence up the channel of the moſt northern ſtream of Tugoloo river to its ſource, and back again by the ſame channel to the Atlantic ocean, is hereby declared to be henceforth equally free to the citizens of both ſtates, and exempt from all duties, tolls, hinderance, interruption or moleſtation whatſoever, attempted to be enforced by one ſtate on the citizens of the other; and all the reſt of the river Savannah to the Southward of the foregoing deſcription, is acknowledged to be the excluſive right of the ſtate of Georgia. Article the *third*. The State of South Carolina ſhall not hereafter claim any lands to the eaſtward, ſouthward, ſouth-eaſtward, or weſt of the boundary above eſtabliſhed, but hereby relinquiſhes and cedes to the ſtate of Georgia all the right, title, and claim which the ſaid ſtate of South Carolina hath to the government, ſovereignty, and juriſdiction in and over the ſame, and alſo the right of pre-emption of the ſoil from the native Indians, and all other the eſtate, property and claim which the ſtate of South Carolina hath in or to the ſaid land. Article the *fourth*. The ſtate of Georgia ſhall not hereafter claim any lands to the northward or north-eaſtward of the boundary above eſtabliſhed, but hereby relinquiſhes

linquiſhes and cedes to the ſtate of South Carolina all the right, title, and claim which the ſaid ſtate of Georgia hath to the government, ſovereignty, and juriſdiction in and over the ſame, and alſo the right of pre-emption of the ſoil from the native Indians, and all other the eſtate, property and claim which the ſtate of Georgia hath in or to the ſaid lands. Article the *fifth*. The lands heretofore granted by either of the ſaid ſtates, between the forks of Tugoloo and Keowee, ſhall be the private property of the firſt grantees and their reſpective heirs and aſſigns, and the grantees of any of the ſaid lands under the ſtate of Georgia, ſhall within twelve months from the date hereof, cauſe ſuch grants, or authentic copies thereof, ratified under the ſeal of the ſtate of Georgia, to be depoſited in the office of the ſecretary of the ſtate of South Carolina, to the end that the ſame may be recorded there, and after the ſame ſhall have been ſo recorded, the grantees ſhall be entitled to receive again from the ſaid ſecretary their reſpective grants, or the copies thereof, whichſoever may have been ſo depoſited, whithout any charge or fee of office whatſoever, and every grant which ſhall not, or of which the copy certified as abovementioned ſhall not be ſo depoſited, ſhall be adjudged void. Article the *ſixth*. The commiſſioners on the part of the ſtate of South Carolina do not by any of the above articles mean to cede, relinquiſh or weaken the right, title, and claim of any of the individual citizens of the ſtate of South Carolina to any lands ſituated in Georgia, particularly to the lands ſituated to the ſouth or ſouth-weſt of the river Alatamaha, and granted during the adminiſtration of governor Boone, in the year one thouſand ſeven hundred and ſixty-three, and they do hereby declare, that the right and title of the ſaid citizens to the ſame, is and ought to remain as full, ſtrong, and effectual as if this convention had not been made. The commiſſioners on the part of the ſtate of Georgia do decline entering into any negociations relative to the lands mentioned in this article, as they conceive they are not authoriſed ſo to do by the powers delegated to them. In teſtimony whereof, the ſaid Charles Coteſworth Pinckney,

ney, Andrew Pickens, and Pierce Butler, for and in behalf of the ſtate of South Carolina, and the ſaid John Haberſham, and Lachlan M'Intoſh, for and in behalf of the ſtate of Georgia, have to theſe preſents, and a duplicate thereof, both indented, interchangeably ſet their hands and affix their ſeals. Done at Beaufort, in the ſtate of South Carolina, the twenty-eighth day of April, in the year of our Lord one thouſand ſeven hundred and eighty-ſeven, and in the eleventh year of the Independence of the United States of America,

(Signed)

CHARLES COTESWORTH (L. S.) PINCKNEY,
ANDREW (L. S.) PICKENS.
P. (L. S.) BUTLER,
JOHN (L. S.) HABERSHAM,
LACHLAN (L. S.) M'INTOSH."

be ratified and confirmed, and that the lines and limits therein ſpecified ſhall be hereafter taken and received as the boundaries between the ſaid ſtates of South Carolina and Georgia forever.

A motion was made by Mr. Dane, ſeconded by Mr. Holten, that the foregoing motion be committed; and on the queſtion for commitment, the yeas and nays being required by Mr. Kean,

Maſſachuſetts,	Mr. Holten	ay	ay
	Mr. Dane	ay	
New-York,	Mr. Haring	ay	ay
	Mr. Yates	ay	
New-Jerſey,	Mr. Clark	ay	ay
	Mr. Scheurman	ay	
Pennſylvania,	Mr. St. Clair	ay	ay
	Mr. Irwine	ay	
	Mr. Armſtrong	ay	
Delaware,	Mr. Kearny	ay	ay
	Mr. Mitchell	ay	
Virginia,	Mr. Grayſon	ay	ay
	Mr. Lee	ay	
	Mr. Carrington	ay	
South-Carolina,	Mr. Kean	ay	ay
	Mr. Huger	ay	

So it was reſolved in the affirmative,

In

In virtue of the powers in them vested, the delegates of the state of South-Carolina for and in behalf of the said state, executed the following deed of cession to the United States of America.

To all who shall see these presents:

We, John Kean and Daniel Huger, the underwritten delegates for the state of South-Carolina, in the Congress of the United States, send greeting:

WHEREAS the general assembly of the state of South-Carolina, on the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, passed an act in the words following, viz. "An act to authorise the delegates of this state in Congress, to convey to the United States in Congress assembled, all the right of this state to the territory herein described. Whereas the Congress of the United States did, on the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several states in the union having claims to western territory, to make a liberal cession to the United States, of a portion of their respective claims, for the common benefit of the union: And whereas this state is willing to adopt every measure which can tend to promote the honor and dignity of the United States, and strengthen their federal union; Be it therefore enacted by the honorable the senate and house of representatives, in general assembly met, and sitting and by the authority of the same, That it shall and may be lawful for the delegates of this state to the Congress of the United States, or such of them as shall be assembled in Congress, and they are hereby fully authorised and empowered for, and on behalf of this state, by proper deeds or instruments in writing, under their hands and seals, to convey, transfer, assign, and make over unto the United States in Congress assembled, for the benefit of the said states, all right, title and claim, as well of soil as jurisdiction, which this state hath to the territory or tract of country within the limits of the charter of South-Carolina, situate, lying and being within the boundaries and lines hereinafter described; that is to say, all the territory or tract of country, included within the river Mis-

sippi,

ſippi, and a line beginning at that part of the ſaid river which is interſected by the ſouthern boundary line of the ſtate of North-Carolina, and continuing along the ſaid boundary line, until it interſects the ridge or chain of mountains which divides the eaſtern from the weſtern waters: then to be continued along the top of the ſaid ridge of mountains, until it interſects a line to be drawn due weſt from the head of the ſouthern branch of Tugoloo river to the ſaid mou tains, and thence to run a due weſt courſe to the river Miſſiſippi.---In the ſenate houſe, the eighth day of March, in the year of our Lord one thouſand ſeven hundred and eighty-ſeven, and in the eleventh year of the independence of the United States of America. John Lloyd, preſident of the ſenate;---John Julius Pringle, ſpeaker of the houſe of repreſentatives." And whereas the ſaid John Kean, and Daniel Huger, were on the ſixth day of March, one thouſand ſeven hundred and eighty-ſeven, elected delegates to repreſent the ſtate of South Carolina, according to the law of ſaid ſtate, in the Congreſs of the United States until the firſt Monday in November, in the ſaid year one thouſand ſeven hundred and eighty-ſeven, which election remains in full force, and the ſaid John Kean, and Daniel Huger are the lawful delegates of ſaid ſtate, in the Congreſs of the United States; Now therefore, Know Ye, that we, the ſaid John Kean and Daniel Huger, by virtue of the power and authority to us committed by the ſaid act of the general aſſembly of South Carolina before recited, in the name, and for and in behalf of the ſtate of South Carolina, do by theſe preſents, aſſign, transfer, quit claim, cede and convey to the United States of America, for their benefit, (South Carolina incluſive) all the right, title, intereſt, juriſdiction and claim which the ſtate of South Carolina hath in and to the before mentioned and deſcribed territory or tract of country, as the ſame is bounded and deſcribed in the ſaid act of aſſembly, for the uſes in the ſaid recited act of aſſembly declared. In witneſs whereof we have hereunto ſet our hands and ſeals, this ninth day of Auguſt, in the year of our Lord one thouſand ſeven hundred and eighty-ſeven, and of the ſovereignty

vereignty and Independence of America the twelfth. John Kean, (L. S.) Daniel Huger (L. S.) ſigned, ſealed, and delivered in preſence of Charles Thomſon, Roger Alden, Benjamin Bankſon.

FRIDAY, *Auguſt* 10, 1787.

Six ſtates attended, namely, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, and South-Carolina; and from Maſſachuſetts, Mr. Dane, and from Rhode-Iſland, Mr. Varnum.

MONDAY, *Auguſt* 13, 1787.

Five ſtates attended, namely, New-York, Pennſylvania, Delaware, Virginia, and South-Carolina; and from North Carolina, Mr. Aſhe.

TUESDAY, *Auguſt* 14, 1787.

Three ſtates attended, namely, New-York, Pennſylvania, and Virginia; and from Maſſachuſetts, Mr. Dane, and from South-Carolina, Mr. Kean.

WEDNESDAY, *Auguſt* 15, 1787.

Two ſtates attended, namely, New-York, and Virginia; and from Maſſachuſetts, Mr. Dane, from Pennſylvania, Mr. St. Clair, from Delaware, Mr. Kearney, and from South-Carolina, Mr. Kean.

THURSDAY, *Auguſt* 16, 1787.

The ſame as yeſterday.

FRIDAY, *Auguſt* 17, 1787.

Three ſtates attended, namely, New-York, New-Jerſey, and Virginia; and from Maſſachuſetts, Mr. Dane, from Pennſylvania, Mr. St. Clair, and from North-Carolina, Mr. Aſhe.

MON-

MONDAY, *August* 20, 1787.

Four ſtates attended, namely, New-York, New-Jerſey, Delaware, and Virginia; and from Maſſachuſetts, Mr. Dane, from Pennſylvania, Mr. Irwine, and from North-Carolina, Mr. Aſhe.

TUESDAY, *August* 21, 1787.

Four ſtates attended, namely, New-York, New-Jerſey, Pennſylvania, and Virginia; and from Maſſachuſetts, Mr. Dane, from Connecticut, Mr. Cooke, from Delaware, Mr. Mitchell, and from North-Carolina, Mr. Aſhe.

WEDNESDAY, *August* 22, 1787.

The ſame as yeſterday; and from South-Carolina, Mr. Huger.

THURSDAY and FRIDAY, *August* 23 & 24, 1787.

The ſame as before.

MONDAY, *August* 27, 1787.

Three ſtates attended, namely, New-York, Pennſylvania, and Virginia; and from Maſſachuſetts, Mr. Dane, from Connecticut, Mr. Cooke, from Maryland, Mr. Roſs, and from Georgia, Mr. Pierce.

TUESDAY, *August* 28, 1787.

The ſame as yeſterday.

WEDNESDAY, *August* 29, 1787.

The ſame as before; and from New-Jerſey, Mr. Clarke.

THURSDAY, *August* 30, 1787.

Five ſtates attended, namely, New-York, New-Jerſey, Penn-

Pennſylvania, Delaware, and Virginia; and from Maſſachuſetts, Mr. Dane, and from Connecticut, Mr. Cooke, from Maryland, Mr. Roſs, from North-Carolina, Mr. Aſhe.

FRIDAY, *Auguſt* 31, 1787.

The ſame as yeſterday.

MONDAY, *September* 3, 1787.

Three ſtates attended, namely, New-York, New-Jerſey, and Virginia; and from Maſſachuſetts, Mr. Dane, from Pennſylvania, Mr. Irwine, from Maryland, Mr. Roſs, from North-Carolina, Mr. Aſhe, and from Georgia, Mr. Pierce. And the ſame met from day to day until

THURSDAY, *September* 13, 1787.

Five ſtates attended, namely, New-York, Pennſylvania, Delaware, Virginia, and North-Carolina; and from Maſſachuſetts, Mr. Dane, from New-Jerſey, Mr. Clarke, from Maryland, Mr. Roſs, and from Georgia, Mr. Pierce.

Mr. Robert Burton, a delegate for North-Carolina, attended and took his ſeat.

FRIDAY, *September* 14, 1787.

Six ſtates attended, namely, New-York, Pennſylvania, Delaware, Virginia, North-Carolina, and South-Carolina; and from Maſſachuſetts, Mr. Dane, from New-Jerſey, Mr. Clarke, from Maryland, Mr. Roſs, and from Georgia, Mr. Pierce.

THURSDAY, *September* 20, 1787.

Congreſs aſſembled---Preſent Maſſachuſetts, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina, and Georgia; and from Maryland, Mr. Roſs, and from South-Carolina, Mr. Huger.

FRI-

FRIDAY, *September* 21, 1787.

Congrefs affembled---Prefent as yefterday.

On the report of a committee, confifting of Mr. Dane, Mr. Clarke, Mr. Varnum, Mr. R. H. Lee, and Mr. Grayfon, to whom it was referred to confider what officers in the civil department are become unneceffary, and to whom was alfo referred a motion of Mr. Dane:

Refolved unanimoufly, That Samuel Ofgood, Walter Livingfton, and Arthur Lee, commiffioners of the board of treafury, appointed in purfuance of the ordinance of Congrefs, paffed May 28, 1784, for putting the department of finance into commiffion, with all the powers and duties appertaining to the faid board and commiffioners, be, and the fame are hereby continued to the tenth day of November, 1789.

Refolved, That the offices of the comptroller and auditor, and the clerkfhips pertaining thereto, from and after the firft day of November next, fhall ceafe and determine, and the powers and duties thereof fhall be transferred to the board of treafury, and after the fame period fhall veft in, and be exercifed and difcharged by the faid board, and by perfons appointed by the faid board; and the faid board, for the difpatch of the bufinefs thus transferred, fhall have authority to employ an accountant, whofe falary fhall not exceed the rate of eight hundred dollars per annum, and no more than two clerks.

Refolved, That when the faid offices fhall ceafe as aforefaid, that all the books and papers pertaining thereto, fhall be lodged in the office of the board of treafury, and that all the returns directed to be made to the faid comptroller and auditor, fhall after the firft day of November, be made to the faid board.

Refolved, That the faid accountant and clerks, fhall refpectively take an oath of fidelity to the United States, and the oath of office. And the commiffioners of the faid board fhall feverally, before the tenth day of November next, renew their bonds given to the United States, in purfuance of the refolutions of Congrefs of February the

3d,

3d, and March the 15th, 1785, or give bonds and security to the United States, of the same tenor, force and effect, as those directed by the said resolutions, for the faithful execution of the trust reposed in them by these resolves, or any other acts of Congress; and shall also take an oath of fidelity to the United States, and the oath of office, certificates of which shall be filed with the secretary of Congress.

SATURDAY, *September* 22, 1787.

Congress assembled--Present Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, South-Carolina, and Georgia; and from Maryland, Mr. Ross.

MONDAY, *September* 24, 1787.

Congress assembled---Present as before.

On a letter of the 22d from the board of treasury, stating, that in the sales which they have made of lands in the western territory, a declaration had been made by them, previous to the sale, that the interest on the securities to be received in payment was not to be computed, and requesting to be favored with the sense of Congress, whether in payment of purchases made under the ordinance of the 20th May, 1785, interest should be computed on the principal of the securities, and received in payment on the same terms with the principal.

Resolved, That Congress approve of the declaration made by the board of treasury at the time of selling the public lands, that the interest on the securities to be received in payment should not be computed; and direct them to proceed in the same manner in future sales, issuing certificates, or indents of interest, for the interest due on the certificates paid conformably to the authority given them for the sale of the lands between the seventh range of townships and the Scioto, on the 23d day of July last.

On passing the foregoing resolution, a division was called for, and on the question to agree to the first clause as far as

as "compured" inclusive, the yeas and nays being required by Mr. Kearney,

Massachusetts,	Mr. Gorham	ay	ay
	Mr. King	ay	
	Mr. Dane	ay	
Connecticut,	Mr. Cooke	ay)*	
New-York,	Mr. Smith	ay	ay
	Mr. Haring	ay	
	Mr. Yates	ay	
New-Jersey,	Mr. Cadwallader	ay	ay
	Mr. Clark	ay	
	Mr. Scheurman	ay	
Pennsylvania,	Mr. St. Clair	ay	ay
	Mr. Irwine	ay	
	Mr. Bingham,	ay	
	Mr. Armstrong	ay	
Delaware,	Mr. Kearney	no	no
	Mr. Mitchell	no	
Maryland,	Mr. Ross	no)*	
Virginia,	Mr. Grayson	no	ay
	Mr. R. H. Lee	ay	
	Mr. Carrington	ay	
	Mr. Lee	ay	
North-Carolina,	Mr. Blount	ay	ay
	Mr. Burton	ay	
South Carolina,	Mr. Kean	ay	ay
	Mr. Huger	ay	
	Mr. Butler	ay	
Georgia,	Mr. Few	ay	ay
	Mr. Pierce	ay	

So it was resolved in the affirmative.

The second clause was passed without division.

The committee consisting of Mr. Smith, Mr. Dane, and Mr. Kean, to whom was referred the letter of John M. Pintard, requesting that sea letters be granted for the ship Columbia, and the sloop Lady Washington, bound on a voyage to the north-west coast of America, report, "That it appears to them that the ship Columbia, and the sloop Lady Washington, and their cargoes, are the property of citizens

citizens of the United States, and that they are navigated principally by inhabitants of the United States, and are bound on a voyage to the north-weſt coaſt of America ;" whereupon

Reſolved, That ſea letters be granted in the uſual form, for the ſhip Columbia, burthen about 220 tons, and the ſloop Lady Waſhington, burthen about 90 tons, bound on a voyage to the north-weſt coaſt of America, under the command and direction of capt. John Kendrick.

TUESDAY, *September* 25, 1787.

Congreſs aſſembled---Preſent, New-Hampſhire, Maſſachuſetts, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina, South-Carolina, and Georgia, and from Maryland, Mr. Roſs.

Mr. John Langdon, and Mr. Nicholas Gilman, delegates for New-Hampſhire, produced the credentials of their appointment, under the ſeal of the ſtate, by which it appears, that on the 14th June, 1786, they were appointed delegates to repreſent the ſaid ſtate in the Congreſs of the United States for one year, commencing the firſt Monday in November following.

Whereas it has been repreſented to Congreſs, by the delegates of Georgia, that their country is in danger of an invaſion;

Reſolved, That the ſecretary at war deliver to the order of the delegates of Georgia, one hundred and fifty pair of horſe-men's piſtols, one hundred and fifty dragoon's ſwords, one pair of braſs field pieces, three pounders, one thouſand pound of gun powder, and ſix hundred rounds of grape and round ſhot for the field pieces ; the ſtate of Georgia to be accountable.

The committee conſiſting of Mr. R. H. Lee, Mr. Grayſon, and Mr. Few, to whom was referred a petition of Nathaniel Twining, having reported, " That it appears to them that Mr. Twining having undertaken the buſineſs of conveying the mails by ſtages, through a great extent of country, interrupted by many wide ferries, and through very deep and ſandy roads, hath found from experience

perience that the expence of this undertaking exceeded the allowance he had agreed by contract to receive from the public. That his willingness to execute the business on the most reasonable terms, had induced him for the year 1787, to accept of about one thousand dollars less than had been allowed him for the year preceding, whilst the other contractors, though on roads more practicable, taking advantage of the necessity that compelled the postmaster to form contracts for the conveyance of the mails, insisted upon, and actually received a larger allowance for the year 1787, than was allowed for the year preceding. That from necessity he has been obliged to convey the mails, during some part of the time, and on some parts of the line, by horses, instead of carriages, which, according to the strictness of the contract he hath entered into, makes him liable to penalties which still add to his misfortunes: That in consideration of the premises, and of the propriety of giving reasonable encouragement to the undertakers of new and useful employments for the public, who are commonly subjected as Mr. Twining has been, to unforeseen difficulties; the committee recommend, that the postmaster-general be instructed to allow Mr. Twining the same consideration for his services for the year 1787, as he contracted for in the year 1786, and to remit to Mr. Twining the penalties he hath incurred by the failures of his contract as before specified, taking care to reserve an indemnification for the public, in cases where money has been actually paid, or been contracted to be paid for services in conveying the mail, unperformed by Mr. Twining; and that the mails may, for the remaining part of this year, be continued to be conveyed on this route by horses, in place of carriages, in such part of his line where they have already been so done."

The foregoing report being under consideration, a division was called for; and on the question, that the postmaster-general allow Mr. Twining the same consideration for his services for the year 1787, as he contracted for in the year 1786, the yeas and nays being required by Mr. Smith,

New-

New-Hampſhire,	Mr. Langdon	*ay*	*ay*
	Mr. Gilman	*ay*	
Maſſachuſetts,	Mr. Gorham	*ay*	*ay*
	Mr. King	*ay*	
	Mr. Dane	*no*	
Connecticut,	Mr. Johnſon	*ay*	*dd*
	Mr. Cook	*no*	
New-York,	Mr. Smith	*no*	*no*
	Mr. Yates	*no*	
New-Jerſey,	Mr. Cadwallader	*ay*	*ay*
	Mr. Schureman	*ay*	
Pennſylvania,	Mr. St. Clair	*ay*	*ay*
	Mr. Irvine	*ay*	
	Mr. Armſtrong	*ay*	
Delaware,	Mr. Kearney	*ay*	*ay*
	Mr. Mitchell	*ay*	
Maryland,	Mr. Roſs	*ay*	*
Virginia,	Mr. Grayſon	*ay*	*ay*
	Mr. Madiſon	*ay*	
	Mr. R. H. Lee	*ay*	
	Mr. Carrington	*ay*	
	Mr. H. Lee	*ay*	
North-Carolina,	Mr. Blount	*no*	*no*
	Mr. Aſhe	*no*	
	Mr. Burton	*no*	
South-Carolina,	Mr. Kean	*no*	*ay*
	Mr. Huger	*ay*	
	Mr. Butler	*ay*	
Georgia,	Mr. Few	*ay*	*ay*
	Mr. Pierce	*ay*	

So the queſtion was loſt.

On the queſtion,

Reſolved, That the poſt maſter general be and he is hereby inſtructed to remit to Mr. Twining the penalties he hath incurred by the failures of his contract, by conveying the mail by horſes inſtead of carriages, taking care to reſerve an indemnification for the public, in caſes where money has been actually paid or been contracted to be

be paid for ſervices in conveying the mail unperformed by Mr. Twining; and that the mails may for the remaining part of this year be continued to be conveyed on this route by horſes in place of carriages, in ſuch parts of his line where they have already been ſo done.

WEDNESDAY, *September* 26, 1787.

Congreſs aſſembled---Preſent as before.

On motion of the delegates for North-Carolina,

Reſolved, That the poſt-maſter general be and he is hereby inſtructed to allow Mr. Nathaniel Twining the ſame conſideration for his ſervices for the year 1787, as he contracted for in the year 1786.

On the queſtion to agree to the above reſolution, the yeas and nays being required by Mr. Yates,

New-Hampſhire,	Mr. Langdon	*ay*	*ay*
	Mr. Gilman	*ay*	
Maſſachuſetts,	Mr. Gorham	*ay*	*ay*
	Mr. King	*ay*	
	Mr. Dane	*no*	
Connecticut,	Mr. Johnſon	*ay*	*dd*
	Mr. Cook	*no*	
New-York,	Mr. Smith	*no*	*no*
	Mr. Haring	*no*	
	Mr. Yates	*no*	
New-Jerſey,	Mr. Cadwallader	*ay*	*ay*
	Mr. Clarke	*ay*	
	Mr. Schureman	*ay*	
Pennſylvania	Mr. St. Clair	*ay*	*ay*
	Mr. Irwine	*ay*	
	Mr. Bingham	*ay*	
	Mr. Armſtrong	*ay*	
Delaware,	Mr. Kearney	*ay*	*ay*
	Mr. Mitchell	*ay*	
Maryland,	Mr. Roſs	*ay*	
Virginia,	Mr. Grayſon	*ay*	*ay*
	Mr. Madiſon	*ay*	
	Mr. R. H. Lee	*ay*	
	Mr. Carrington	*ay*	
	Mr. H. Lee	*ay*	

North-

North-Carolina,	Mr. Blount	ay	ay
	Mr. Aſhe	ay	
	Mr. Burton	ay	
South-Carolina,	Mr. Kean	no	ay
	Mr. Huger	ay	
	Mr. Butler	ay	
Georgia,	Mr. Few	ay	ay
	Mr. Pierce	ay	

So it was reſolved in the affirmative.

THURSDAY, *September* 27, 1787.

Congreſs aſſembled---Preſent as before.

FRIDAY, *September* 28, 1787.

Congreſs aſſembled---Preſent, New-Hampſhire, Maſſachuſetts, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina, South-Carolina, and Georgia; and from Maryland, Mr. Roſs.

Congreſs having received the report of the Convention, lately aſſembled in Philadelphia, in the words following, viz.

" WE the People of the United States, in order to form a more perfect Union, eſtabliſh Juſtice, inſure Domeſtic Tranquility, provide for the common Defence, promote the general Welfare, and ſecure the Bleſſings of Liberty to ourſelves and our Poſterity, do ordain and eſtabliſh this CONSTITUTION for the United States of America.

ARTICLE I.

Sect. 1. ALL legiſlative powers herein granted ſhall be veſted in a Congreſs of the United States, which ſhall conſiſt of a Senate and Houſe of Repreſentatives.

Sect. 2. The Houſe of Repreſentatives ſhall be compoſed of members choſen every ſecond year by the people of the ſeveral ſtates, and the electors in each ſtate ſhall have the qualifications requiſite for electors of the moſt numerous branch of the ſtate legiſlature.

No

No perſon ſhall be a repreſentative who ſhall not have attained to the age of twenty-five years, and been ſeven years a citizen of the United States, and who ſhall not, when elected, be an inhabitant of that ſtate in which he ſhall be choſen.

Repreſentatives and direct taxes ſhall be apportioned among the ſeveral ſtates which may be included within this Union, according to their reſpective numbers, which ſhall be determined by adding to the whole number of free perſons, including thoſe bound to ſervice for a term of years, and excluding Indians not taxed, three-fifths of all other perſons. The actual enumeration ſhall be made within three years after the firſt meeting of the Congreſs of the United States, and within every ſubſequent term of ten years, in ſuch manner as they ſhall by law direct.—The number of repreſentatives ſhall not exceed one for every thirty thouſand, but each ſtate ſhall have at leaſt one repreſentative; and until ſuch enumeration ſhall be made, the ſtate of New-Hampſhire ſhall be entitled to chuſe three, Maſſachuſetts eight, Rhode-Iſland and Providence Plantations one, Connecticut five, New-York ſix, New-Jerſey four, Pennſylvania eight, Delaware one, Maryland ſix, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

When vacancies happen in the repreſentation from any ſtate, the executive authority thereof ſhall iſſue writs of election to fill ſuch vacancies.

The Houſe of Repreſentatives ſhall chuſe their ſpeaker and other officers; and ſhall have the ſole power of impeachment.

Sect. 3. The Senate of the United States ſhall be compoſed of two ſenators from each ſtate, choſen by the legiſlature thereof, for ſix years; and each ſenator ſhall have one vote.

Immediately after they ſhall be aſſembled in conſequence of the firſt election, they ſhall be divided as equally as may be into three claſſes. The ſeats of the ſenators of the firſt claſs ſhall be vacated at the expiration of the ſecond year, of the ſecond claſs at the expiration of the fourth year, and

and of the third clafs at the expiration of the fixth year, fo that one-third may be chofen every fecond year; and if vacancies happen by refignation, or otherwife, during the recefs of the legiflature of any ftate, the executive thereof may make temporary appointments until the next meeting of the legiflature, which fhall then fill fuch vacancies.

No perfon fhall be a fenator who fhall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who fhall not, when elected, be an inhabitant of that ftate for which he fhall be chofen.

The Vice-Prefident of the United States fhall be Prefident of the Senate, but fhall have no vote, unlefs they be equally divided.

The Senate fhall chufe their other officers, and alfo a Prefident *pro tempore*, in the abfence of the Vice Prefident, or when he fhall exercife the office of Prefident of the United States.

The Senate fhall have the fole power to try all impeachments. When fitting for that purpofe, they fhall be on oath or affirmation. When the Prefident of the United States is tried, the Chief Juftice fhall prefide: And no perfon fhall be convicted without the concurrence of two-thirds of the members prefent.

Judgment in cafes of impeachment fhall not extend further than to removal from office, and difqualification to hold and enjoy any office of honor, truft or profit under the United States; but the party convicted fhall nevertheleffs be liable and fubject to indictment, trial, judgment and punifhment according to law.

Sect. 4. The times, places and manner of holding elections, for fenators and reprefentatives, fhall be prefcribed in each ftate by the legiflature thereof: But the Congrefs may at any time by law make or alter fuch regulations, except as to the places of chufing fenators.

The Congrefs fhall affemble at leaft once in every year, and fuch meeting fhall be on the firft Monday in December, unlefs they fhall by law appoint a different day.

Sect. 5. Each houfe fhall be the judge of the elections,

returns

returns and qualifications of its own members, and a majority of each ſhall conſtitute a quorum to do buſineſs; but a ſmaller number may adjourn from day to day, and may be authoriſed to compel the attendance of abſent members, in ſuch manner, and under ſuch penalties as each houſe may provide.

Each houſe may determine the rules of its proceedings, puniſh its members for diſorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each houſe ſhall keep a journal of its proceedings, and from time to time publiſh the ſame, excepting ſuch parts as may in their judgment require ſecrecy; and the yeas and nays of the members of either houſe on any queſtion, ſhall, at the deſire of one-fifth of thoſe preſent, be entered on the journal.

Neither houſe, during the ſeſſion of Congreſs, ſhall without the conſent of the other, adjourn for more than three days, nor to any other place than that in which the two houſes ſhall be ſitting.

Sect. 6. The ſenators and repreſentatives ſhall receive a compenſation for their ſervices, to be aſcertained by law, and paid out of the treaſury of the United States. They ſhall in all caſes, except treaſon, felony and breach of the peace, be privileged from arreſt during their attendance at the ſeſſion of their reſpective houſes, and in going to and returning from the ſame; and for any ſpeech or debate in either houſe, they ſhall not be queſtioned in any other place.

No ſenator or repreſentative ſhall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which ſhall have been created, or the emoluments whereof ſhall have been encreaſed during ſuch time; and no perſon holding any office under the United States, ſhall be a member of either houſe during his continuance in office.

Sect. 7. All bills for raiſing revenue ſhall originate in the houſe of repreſentatives; but the Senate may propoſe or concur with amendments as on other bills.

Every bill which ſhall have paſſed the Houſe of Repreſentatives

ſentatives and the Senate, ſhall, before it become a law, be preſented to the Preſident of the United States; if he approve he ſhall ſign it, but if not he ſhall return it, with his objections to that houſe in which it ſhall have originated, who ſhall enter the objections at large on their journal, and proceed to reconſider it. If after ſuch reconſideration two-thirds of that houſe ſhall agree to paſs the bill, it ſhall be ſent, together with the objections, to the other houſe, by which it ſhall likewiſe be reconſidered, and if approved by two-thirds of that houſe, it ſhall become a law. But in all ſuch caſes the votes of both houſes ſhall be determined by yeas and nays, and the names of the perſons voting for and againſt the bill ſhall be entered on the journal of each houſe reſpectively. If any bill ſhall not be returned by the Preſident within ten days (Sundays excepted) after it ſhall have been preſented to him, the ſame ſhall be a law, in like manner as if he had ſigned it, unleſs the Congreſs by their adjournment prevent its return, in which caſe it ſhall not be a law.

Every order, reſolution, or vote to which the concurrence of the ſenate and houſe of repreſentatives may be neceſſary (except on a queſtion of adjournment) ſhall be preſented to the Preſident of the United States; and before the ſame ſhall take effect, ſhall be approved by him, or, being diſapproved by him, ſhall be re-paſſed by two-thirds of the Senate and Houſe of Repreſentatives, according to the rules and limitations preſcribed in the caſe of a bill.

Sect. 8. The Congreſs ſhall have power

To lay and collect taxes, duties, impoſts, and exciſes, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, impoſts and exciſes ſhall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the ſeveral ſtates, and with the Indian tribes:

To eſtabliſh an uniform rule of naturalization, and uniform laws on the ſubject of bankruptcies throughout the United States:

To

To coin money, regulate the value thereof, and of foreign coin, and fix the ſtandard of weights and meaſures:

To provide for the puniſhment of counterfeiting the ſecurities and current coin of the United States:

To eſtabliſh poſt-offices and poſt-roads:

To promote the progreſs of ſcience and uſeful arts, by ſecuring for limited times to authors and inventors the excluſive right to their reſpective writings and diſcoveries:

To conſtitute tribunals inferior to the ſupreme court:

To define and puniſh piracies and felonies committed on the high ſeas, and offences againſt the law of nations:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raiſe and ſupport armies, but no appropriation of money to that uſe ſhall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the union, ſuppreſs inſurrections and repel invaſions:

To provide for organizing, arming and diſciplining the militia, and for governing ſuch part of them as may be employed in the ſervice of the United States, reſerving to the ſtates reſpectively, the appointment of the officers, and the authority of training the militia according to the diſcipline preſcribed by Congreſs:

To exerciſe excluſive legiſlation in all caſes whatſoever, over ſuch diſtrict (not exceeding ten miles ſquare) as may, by ceſſion of particular ſtates, and the acceptance of Congreſs, become the ſeat of the government of the United States, and to exerciſe like authority over all places purchaſed by the conſent of the legiſlature of the ſtate in which the ſame ſhall be, for the erection of forts, magazines, arſenals, dock-yards, and other needful buildings: And

To make all laws which ſhall be neceſſary and proper for carrying into execution the foregoing powers, and all other

other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Sect. 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the *census* or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince or foreign state.

Sect. 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money, emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No

No ſtate ſhall, without the conſent of the Congreſs, lay any impoſts or duties on imports or exports, except what may be abſolutely neceſſary for executing its inſpection laws; and the net produce of all duties and impoſts, laid by any ſtate on imports or exports, ſhall be for the uſe of the treaſury of the United States; and all ſuch laws ſhall be ſubject to the reviſion and controul of the Congreſs. No ſtate ſhall, without the conſent of Congreſs, lay any duty of tonnage, keep troops, or ſhips of war in time of peace, enter into any agreement or compact with another ſtate, or with a foreign power, or engage in war, unleſs actually invaded, or in ſuch imminent danger as will not admit of delay.

ARTICLE II.

Sect. 1. The executive power ſhall be veſted in a Preſident of the United States of America. He ſhall hold his office during the term of four years, and, together with the Vice-Preſident, choſen for the ſame term, be elected as follows:——

Each ſtate ſhall appoint, in ſuch manner as the legiſlature thereof may direct, a number of electors, equal to the whole number of Senators and Repreſentatives to which the ſtate may be entitled in the Congreſs; but no ſenator or repreſentative, or perſon holding an office of truſt or profit under the United States, ſhall be appointed an elector.

The electors ſhall meet in their reſpective ſtates, and vote by ballot for two perſons, of whom one at leaſt ſhall not be an inhabitant of the ſame ſtate with themſelves. And they ſhall make a liſt of all the perſons voted for, and of the number of votes for each; which liſt they ſhall ſign and certify, and tranſmit ſealed to the ſeat of the government of the United States, directed to the Preſident of the Senate. The Preſident of the Senate ſhall, in the preſence of the Senate and Houſe of Repreſentatives, open all the certificates, and the votes ſhall then be counted. The perſon having the greateſt number of votes ſhall be the Preſident, if ſuch number be a majority of the whole

whole number of electors appointed; and if there be more than one who have ſuch majority, and have an equal numbers of votes, then the Houſe of Repreſentatives ſhall immediately chuſe by ballot one of them for Preſident; and if no perſon have a majority, then from the five higheſt on the liſt the ſaid Houſe ſhall in like manner chuſe the Preſident. But in chuſing the Preſident, the votes ſhall be taken by ſtates, the repreſentation from each ſtate having one vote; a quorum for this purpoſe ſhall conſiſt of a member or members from two-thirds of the ſtates, and a majority of all the ſtates ſhall be neceſſary to a choice. In every caſe, after the choice of the Preſident, the perſon having the greateſt number of votes of the electors ſhall be the Vice-Preſident. But if there ſhould remain two or more who have equal votes, the Senate ſhall chuſe from them by ballot the Vice-Preſident.

The Congreſs may determine the time of chuſing the electors, and the day on which they ſhall give their votes; which day ſhall be the ſame throughout the United States.

No perſon except a natural born citizen, or a citizen of the United States, at the time of the adoption of this conſtitution, ſhall be elegible to the office of Preſident; neither ſhall any perſon be eligible to that office who ſhall not have attained to the age of thirty-five years, and been fourteen years a reſident within the United States.

In caſe of the removal of the Preſident from office, or of his death, reſignation, or inability to diſcharge the powers and duties of the ſaid office, the ſame ſhall devolve on the Vice-Preſident, and the Congreſs may by law provide for the caſe of removal, death, reſignation, or inability, both of the Preſident and Vice-Preſident, declaring what officer ſhall then act as Preſident, and ſuch officer ſhall act accordingly, until the diſability be removed, or a Preſident ſhall be elected.

The Preſident ſhall, at ſtated times, receive for his ſervices, a compenſation, which ſhall neither be encreaſed nor diminiſhed during the period for which he ſhall have been elected, and he ſhall not receive within that period any

other

other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation :——

"I do solemnly swear (or affirm) that I will faithfully "execute the office of President of the United States, and "will to the best of my ability, preserve, protect, and "defend the constitution of the United States."

Sect. 2. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Sect. 3. He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as

as he ſhall think proper; he ſhall receive ambaſſadors and other public miniſters; he ſhall take care that the laws be faithfully executed, and ſhall commiſſion all the officers of the United States.

Sect. 4. The Preſident, Vice-Preſident, and all civil officers of the United States ſhall be removed from office on impeachment for, and conviction of, treaſon, bribery, or other high crimes and miſdemeanors.

ARTICLE III.

Sect. 1. The judicial power of the United States, ſhall be veſted in one ſupreme court, and in ſuch inferior courts as the Congreſs may from time to time ordain and eſtabliſh. The judges, both of the ſupreme and inferior court, ſhall hold their offices during good behaviour, and ſhall, at ſtated times, receive for their ſervices, a compenſation, which ſhall not be diminiſhed during their continuance in office.

Sect. 2. The judicial power ſhall extend to all caſes, in law and equity, ariſing under this conſtitution, the laws of the United States, and treaties made, or which ſhall be made under their authority; to all caſes affecting ambaſſadors, other public miniſters and conſuls; to all caſes of admiralty and maritime juriſdiction; to controverſies to which the United States ſhall be a party; to controverſies between two or more ſtates, between a ſtate and citizens of another ſtate, between citizens of different ſtates, between citizens of the ſame ſtate claiming lands under grants of different ſtates, and between a ſtate, or the citizens thereof, and foreign ſtates, citizens or ſubjects.

In all caſes affecting ambaſſadors, other public miniſters and conſuls, and thoſe in which a ſtate ſhall be party, the ſupreme court ſhall have original juriſdiction. In all the other caſes before mentioned, the ſupreme court ſhall have appellate juriſdiction, both as to law and fact, with ſuch exceptions, and under ſuch regulations as the Congreſs ſhall make.

The trial of all crimes, except in caſes of impeachment, ſhall be by jury; and ſuch trial ſhall be held in the ſtate

where

where the ſaid crimes ſhall have been committed; but when not committed within any ſtate, the trial ſhall be at ſuch place or places as the Congreſs may by law have directed.

Sect. 3. Treaſon againſt the United States ſhall conſiſt only in levying war againſt them, or in adhering to their enemies, giving them aid and comfort. No perſon ſhall be convicted of treaſon unleſs on the teſtimony of two witneſſes to the ſame overt act, or on confeſſion in open court.

The Congreſs ſhall have power to declare the puniſhment of treaſon, but no attainder of treaſon ſhall work corruption of blood, or forfeiture, except during the life of the perſon attainted.

ARTICLE IV.

Sect. 1. Full faith and credit ſhall be given in each ſtate to the public acts, records and judicial proceedings of every other ſtate. And the Congreſs may by general laws preſcribe the manner in which ſuch acts, records and proceedings ſhall be proved, and the effect thereof.

Sect. 2. The citizens of each ſtate ſhall be entitled to all privileges and immunities of citizens in the ſeveral ſtates.

A perſon charged in any ſtate with treaſon, felony, or other crime, who ſhall flee from juſtice, and be found in another ſtate, ſhall, on demand of the executive authority of the ſtate from which he fled, be delivered up, to be removed to the ſtate having juriſdiction of the crime.

No perſon held to ſervice or labour in one ſtate, under the laws thereof, eſcaping into another, ſhall, in conſequence of any law or regulation therein, be diſcharged from ſuch ſervice or labour, but ſhall be delivered up on claim of the party to whom ſuch ſervice or labour may be due.

Sect. 3. New ſtates may be admitted by the Congreſs into this union; but no new ſtate ſhall be formed or erected within the juriſdiction of any other ſtate, nor any ſtate be formed by the junction of two or more ſtates, or parts of ſtates, without the conſent of the legiſlatures of the ſtates concerned, as well as of the Congreſs. The

The Congrefs fhall have power to difpofe of and make all needful rules and regulations refpecting the territory or other property belonging to the United States; and nothing in this conftitution fhall be fo conftrued as to prejudice any claims of the United States, or of any particular ftate.

Sect. 4. The United States fhall guarantee to every ftate in this union a Republican form of government, and fhall protect each of them againft invafion; and on application of the legiflature, or of the executive (when the legiflature cannot be convened) againft domeftic violence.

ARTICLE V.

The Congrefs, whenever two thirds of both Houfes fhall deem it neceffary, fhall propofe amendments to this conftitution, or, on the application of the legiflatures of two-thirds of the feveral ftates, fhall call a convention for propofing amendments, which, in either cafe, fhall be valid to all intents and purpofes, as part of this conftitution, when ratified by the legiflatures of three-fourths of the feveral ftates, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be propofed by the Congrefs: Provided, that no amendment which may be made prior to the year one thoufand eight hundred and eight fhall in any manner affect the firft and fourth claufes in the ninth fection of the firft article; and that no ftate, without its confent, fhall be deprived of its equal fuffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this conftitution, fhall be as valid againft the United States under this conftitution, as under the confederation.

This conftitution, and the laws of the United States which fhall be made in purfuance thereof; and all treaties made, or which fhall be made, under the authority of the United States, fhall be the fupreme law of the land; and the judges in every ftate fhall be bound thereby, any thing

thing in the conſtitution or laws of any ſtate to the contrary notwithſtanding.

The Senators and Repreſentatives before mentioned, and the members of the ſeveral ſtate legiſlatures, and all executive and judicial officers, both of the United States and of the ſeveral ſtates, ſhall be bound by oath or affirmation, to ſupport this conſtitution; but no religious teſt ſhall ever be required as a qualification to any office or public truſt under the United States.

ARTICLE VII.

The ratification of the conventions of nine ſtates, ſhall be ſufficient for the eſtabliſhment of this conſtitution between the ſtates ſo ratifying the ſame.

DONE in Convention, by the unanimous conſent of the States preſent, the ſeventeenth day of September, in the Year of our Lord one thouſand ſeven hundred and eighty-ſeven, and of the Independence of the United States of America the twelfth. In witneſs whereof we have hereunto ſubſcribed our names.

GEORGE WASHINGTON, *Preſident*,
And DEPUTY from VIRGINIA.

New-Hampſhire,	JOHN LANGDON,
	NICHOLAS GILMAN.
Maſſachuſetts,	NATHANIEL GORHAM,
	RUFUS KING.
Connecticut,	WILLIAM SAMUEL JOHNSON,
	ROGER SHERMAN.
New-York,	ALEXANDER HAMILTON.
New-Jerſey,	WILLIAM LIVINGSTON,
	DAVID BREARLY,
	WILLIAM PATTERSON,
	JONATHAN DAYTON.
Pennſylvania,	BENJAMIN FRANKLIN,
	THOMAS MIFFLIN,
	ROBERT MORRIS,
	GEORGE CLYMER,
	THOMAS FITZSIMONS,
	JARED INGERSOLL,

JAMES

	JAMES WILSON,
	GOUVERNEUR MORRIS.
Delaware,	GEORGE READ,
	GUNNING BEDFORD, jun.
	JOHN DICKINSON,
	RICHARD BASSETT,
	JACOB BROOM.
Maryland,	JAMES M'HENRY,
	DANIEL of St. THOMAS JENIFER.
	DANIEL CARROL.
Virginia,	JOHN BLAIR,
	JAMES MADISON, jun.
North-Carolina,	WILLIAM BLOUNT,
	RICHARD DOBBS SPAIGHT,
	HUGH WILLIAMSON.
South-Carolina,	JOHN RUTLEDGE,
	CHAS. COTESWORTH PINCKNEY,
	CHARLES PINCKNEY,
	PIERCE BUTLER.
Georgia,	WILLIAM FEW,
	ABRAHAM BALDWIN.

Atteſt. WILLIAM JACKSON, *Secretary.*

IN CONVENTION,

MONDAY, *September* 17, 1787.

PRESENT.

The States of New-Hampſhire, Maſſachuſetts, Connecticut, Mr. *Hamilton* from New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia:

Reſolved, That the preceding conſtitution be laid before the United States in Congreſs aſſembled, and that it is the opinion of this Convention, that it ſhould afterwards be ſubmitted to a Convention of Delegates, choſen in each ſtate by the people thereof, under the recommendation of its legiſlature, for their aſſent and ratification; and that each Convention aſſenting to, and ratifying the ſame, ſhould

ſhould give notice thereof to the United States in Congreſs aſſembled.

Reſolved, That it is the opinion of this Convention, that as ſoon as the Conventions of nine ſtates ſhall have ratified this Conſtitution, the United States in Congreſs aſſembled ſhould fix a day on which electors ſhould be appointed by the ſtates which ſhall have ratified the ſame, and a day on which the electors ſhould aſſemble to vote for the Preſident, and the time and place for commencing proceedings under this Conſtitution. That after ſuch publication the electors ſhould be appointed, and the Senators and Repreſentatives elected: That the electors ſhould meet on the day fixed for the election of the Preſident, and ſhould tranſmit their votes certified, ſigned, ſealed and directed, as the Conſtitution requires, to the ſecretary of the United States in Congreſs aſſembled, that the Senators and Repreſentatives ſhould convene at the time and place aſſigned; that the Senators ſhould appoint a Preſident of the Senate, for the ſole purpoſe of receiving, opening and counting the votes for Preſident; and, that after he ſhall be choſen, the Congreſs, together with the Preſident, ſhould, without delay, proceed to execute this Conſtitution.

By the unanimous order of the Convention,
GEORGE WASHINGTON, *Preſident.*
William Jackſon, Secretary.

In CONVENTION, *September* 17, 1787.

SIR,

WE have now the honor to ſubmit to the conſideration of the United States in Congreſs aſſembled, that Conſtitution which has appeared to us the moſt adviſeable.

The friends of our country have long ſeen and deſired, that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the correſpondent executive and judicial authorities ſhould be fully and effectually veſted in the general government of the Union: But the impropriety of delegating ſuch exten-

ſive

ſive truſt to one body of men is evident—Hence reſults the neceſſity of a different organization.

It is obviouſly impracticable in the federal government of theſe ſtates, to ſecure all rights of independent ſovereignty to each, and yet provide for the intereſt and ſafety of all: Individuals entering into ſociety, muſt give up a ſhare of liberty to preſerve the reſt. The magnitude of the ſacrifice muſt depend as well on ſituation and circumſtance, as on the object to be obtained. It is at all times difficult to draw with preciſion the line between thoſe rights which muſt be ſurrendered, and thoſe which may be reſerved; and on the preſent occaſion this difficulty was encreaſed by a difference among the ſeveral ſtates as to their ſituation, extent, habits, and particular intereſts.

In all our deliberations on this ſubject we kept ſteadily in our view, that which appears to us the greateſt intereſt of every true American, the conſolidation of our Union, in which is involved our proſperity, felicity, ſafety, perhaps our national exiſtence. This important conſideration, ſeriouſly and deeply impreſſed on our minds, led each ſtate in the Convention to be leſs rigid on points of inferior magnitude, than might have been otherwiſe expected; and thus the Conſtitution, which we now preſent, is the reſult of a ſpirit of amity, and of that mutual deference and conceſſion which the peculiarity of our political ſituation rendered indiſpenſible.

That it will meet the full and entire approbation of every ſtate is not perhaps to be expected; but each will doubtleſs conſider, that had her intereſt been alone conſulted, the conſequences might have been particularly diſagreeable or injurious to others; that it is liable to as few exceptions as could reaſonably have been expected, we hope and believe; that it may promote the laſting welfare of that country ſo dear to us all, and ſecure her freedom and happineſs, is our moſt ardent wiſh.

With great reſpect, We have the honor to be, Sir,
Your Excellency's moſt obedient and humble ſervants,
GEORGE WASHINGTON, *Preſident.*
By unanimous Order of the Convention.
His Excellency The PRESIDENT of CONGRESS.

Reſolved,

Resolved unanimously, That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures in order to be submitted to a Convention of Delegates chosen in each state by the people thereof, in conformity to the resolves of the Convention made and provided in that case.

On a report from the secretary for foreign affairs,

Whereas doubts have in certain instances arisen, whether foreign consuls residing in the United States are entitled to an exemption from such legal imposts and duties on merchandises by them imported for their own use, as are payable by other subjects of their respective nations:

Resolved, That no consuls of any nation are entitled to such exemptions in the United States.

On the report of a committee consisting of Mr. Carrington, Mr. Kearney, and Mr. Schureman, to whom was referred a memorial of Adam Jamison:

Resolved, That the commissioner of accounts for the commissaries department be authorised and empowered to settle the accounts of Adam Jamison, late deputy commissary of issues, upon the best evidence which in the nature and circumstances of the case can be obtained, it appearing to Congress that his books and papers have been lost, and that the same happened through no fault or misconduct of him the said Adam Jamison.

SATURDAY, *September* 29, 1787.

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Delaware, Virginia, South-Carolina, and Georgia; and from New-Hampshire, Mr. Gilman, from Pennsylvania, Mr. St. Clair, from Maryland, Mr. Ross, and from North-Carolina, Mr. Ashe.

MONDAY, *October* 1, 1787.

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, South-Carolina, and Georgia, and

and from New-Hampſhire, Mr. Gilman, and from Maryland, Mr. Roſs.

On motion of Mr. King, ſeconded by Mr. H. Lee:

Reſolved, That the commiſſioners to be appointed in purſuance of the ordinance paſſed the 7th day of May laſt, for ſettling the accounts between the United States and individual ſtates, be allowed the ſame ſalary as is given to the commiſſioners of the board of treaſury, to commence from the time of their entering upon the duties of their office.

On the report of a committee conſiſting of Mr. Pierce, Mr. Grayſon, and Mr. Johnſon, to whom was referred a report of the commiſſioner of army accounts, on a memorial of general Putnam:

Reſolved, That the commiſſioner of army accounts be directed to credit general Putnam, for the ſum of two thouſand three hundred and eighty dollars; and that the ſaid commiſſioner make a ſtatement of the circumſtances to the executive of Georgia, and ſend on authenticated copies of the ſeveral receipts given in the caſe, that the charges may be exhibited againſt the officers in whoſe hands the money was depoſited.

On a report of the board of treaſury, to whom was recommitted their report on the memorial of Arnold Henry Dohrman:

Reſolved, That Arnold Henry Dohrman, be reimburſed the ſum of five thouſand eight hundred and ſix dollars, and ſeventy-two ninetieths of a dollar, with intereſt on the ſame from the time of expenditure, being the amount of ſundry diſburſements by him made for the relief of American priſoners, agreeably to vouchers examined and admitted by the proper officers of the treaſury.

And whereas the claims of the ſaid Arnold Henry Dohrman againſt the United States amount to twenty thouſand two hundred and ſeventy-ſeven dollars, and forty ninetieths, over and above the ſum of five thouſand eight hundred and ſix dollars, and ſeventy-two ninetieths, as above ſtated, in ſupport of which various and important documents are offered, though of a nature too general to be admitted

mitted agreeably to the rules of the treasury; and whereas this deficiency of vouchers appears to arise from the nature of the disbursements made by Mr. Dohrman, whose own house was frequently the asylum of whole crews of captive American seamen, who were fed, cloathed, and relieved in sickness through his benevolence, and that at a time when his attachment to the cause of America was dangerous both to his person and property:—And whereas Congress are disposed to acknowledge in the most honorable manner the eminent services rendered by Mr. Dohrman, and to make him further compensation,

Resolved unanimously, That the said Arnold Henry Dohrman, be allowed in consideration of his faithful and generous services, as agent from the United States at the court of Lisbon, the sum of sixteen hundred dollars per annum, and that the said salary be computed from the period at which his expenditures commenced to the present day.

Resolved unanimously, That one compleat and entire township, subject to the reservations as in the other townships agreeably to the ordinance of the twentieth of May, 1785, out of the three last ranges surveyed in the western territory of the United States, be and hereby is granted to the said Arnold Henry Dohrman, free from all charges of survey, and that the said Arnold Henry Dohrman be allowed to make choice of the aforesaid township of land out of any of the said three ranges last surveyed, after the secretary at war shall have drawn for the proportionate quantity of land assigned to the late army, agreeably to the said ordinance of the 20th May, 1785.

Resolved unanimously, That the above payments be made in such manner, as the present state of the finances will best admit of; and that the same, together with the grant of land as aforesaid, be in full of Mr. Dohrman's claims against the United States.

TUESDAY, *October* 2, 1787.

Congress assembled---Present Massachusetts, Connecticut,

cut, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina, and South-Carolina; and from New-Hampſhire, Mr. Gilman, from Maryland, Mr. Roſs, and from Georgia, Mr. Few.

On a report of the board of treaſury, to whom was referred a ſtate of an account of John Q. Adams againſt the United States, for his ſervices as private ſecretary to the honorable Mr. Dana, whilſt on his embaſſy to the court of Peterſburgh:

Reſolved, That there be allowed to Mr. Francis Dana, the ſum of two thouſand four hundred and ten dollars and three-ninetieths of a dollar, in full for the ſervice and expence of a private ſecretary by him employed whilſt on his embaſſy at the court of Peterſburgh, from the 1ſt July, 1781, to the 21ſt April, 1783.

The board of treaſury, to whom was referred a memorial of John Cochran, commiſſioner of the loan-office for the ſtate of New-York, having reported,

"That in ſuch ſtates, where the tranſactions of the commiſſioners of the loan-office ſhall, in the judgment of the board of treaſury render it neceſſary, there be allowed one clerk, at a ſalary not exceeding four hundred dollars per annum, and the further ſum of one hundred dollars per annum, in full of all charges for office-rent, candles and fire wood."

Queſtion taken and unanimouſly negatived.

On the report of the board of treaſury, to whom was referred a memorial of Benjamin Stelle:

Reſolved, That there be allowed to Benjamin Stelle, the pay and emoluments of a deputy paymaſter in a ſeparate department, from the firſt of June 1779, to the firſt of April, 1781.

WEDNESDAY, *October* 3, 1787.

Congreſs aſſembled---Preſent as yeſterday.

On a report of the board of treaſury, to whom were referred a memorial and letter of Thomas Hutchins, geographer to the United States, and ſundry memorials of the

the ſurveyors employed under him in the weſtern territory, praying a compenſation on account of their extra expence, and in executing ſurveys under the preſent ordinance.

Reſolved, That the geographer of the United States, certify to the board of treaſury, ſuch reaſonable charges of the extra expence, as ſhall appear to him, on the beſt vouchers, or other evidence, which the nature of the caſe will admit of, to have been neceſſarily incurred by the ſurveyors of the weſtern territory, in the execution of their reſpective ſurveys; and that the board of treaſury take ſuch order as the ſtate of the treaſury will beſt admit of, for the payment of ſuch of the ſaid expences, as they ſhall judge proper.

The committee, conſiſting of Mr. Grayſon, Mr. Armſtrong, and Mr. Clarke, to whom was referred a motion for aſcertaining the ſalary of the governor of the weſtern territory, under the ordinance of the 13th July laſt, having reported, that the ſalary of the governor of the weſtern territory, under the ordinance of Congreſs of the 13th day of July, 1787, be dollars per annum, for a term not exceeding three years; the ſaid ſalary to commence from the time of his beginning to execute the duties of his office. That from and after the 14th day of Auguſt next, the powers, duties and emoluments of the ſuperintendant of Indian affairs for the northern department, be united with thoſe of the governor.

A motion being made to fill the blank with the words, "one thouſand;" the yeas and nays were called by Mr. Yates.

New-Hampſhire,	Mr. Gilman	*ay*)*	
Maſſachuſetts,	Mr. Gorham	*ay*	*ay*
	Mr. King	*ay*	
	Mr. Dane	*ay*	
Connecticut,	Mr. Johnſon	*ay*	*ay*
	Mr. Cook	*ay*	
New-York,	Mr. Smith	*ay*	*ay*
	Mr. Haring	*ay*	
	Mr. Yates	*no*	

New-

New-Jersey,	Mr. Cadwallader	ay	ay
	Mr. Clarke	ay	
	Mr. Schureman	ay	
Pennsylvania,	Mr. St. Clair	ay	ay
	Mr. Bingham	ay	
	Mr. Armstrong	ay	
Delaware,	Mr. Kearney	ay	ay
	Mr. Mitchell	ay	
Maryland,	Mr. Ross	ay*	
Virginia,	Mr. Grayson	ay	ay
	Mr. Madison	ay	
	Mr. R. H. Lee	ay	
	Mr. Carrington	ay	
North-Carolina,	Mr. Ashe	ay	ay
	Mr. Burton	ay	
South-Carolina,	Mr. Kean	ay	ay
	Mr. Huger	ay	
	Mr. Butler	ay	
Georgia,	Mr. Few	ay*	

So it was resolved in the affirmative.

And on the question,

Resolved, That the salary of the governor of the western territory under the ordinance of Congress of the 13th day of July, 1787, be one thousand dollars per annum, for a term not exceeding three years, the said salary to commence from the time of his beginning to execute the duties of his office. That from and after the 14th day of August next, the powers, duties, and emoluments of the superintendant of Indian affairs for the northern department, be united with those of the governor.

On motion,

Resolved, That the salary of the secretary under the said ordinance, be seven hundred and fifty dollars per annum, to commence from the time of his beginning to execute the duties of his office.

On motion,

Resolved, That the salary of the judges under the ordinance aforesaid, be severally eight hundred dollars per annum,

annum, to commence from the time of their beginning to execute the duties of their office.

On passing this resolution, the yeas and nays being required by Mr. Yates,

New-Hampshire,	Mr. Gilman	ay)*	
Massachusetts,	Mr. Gorham	no	ay
	Mr. King	ay	
	Mr. Dane	ay	
Connecticut,	Mr. Johnson	ay	ay
	Mr. Cook	ay	
New-York,	Mr. Smith	ay	ay
	Mr. Haring	ay	
	Mr. Yates	no	
New-Jersey,	Mr. Cadwallader	ay	ay
	Mr. Clark	ay	
	Mr. Schureman	ay	
Pennsylvania,	Mr. St. Clair	ay	ay
	Mr. Bingham	ay	
	Mr. Armstrong	ay	
Delaware,	Mr. Kearney	ay	ay
	Mr. Mitchell	ay	
Maryland,	Mr. Ross	ay)*	
Virginia,	Mr. Grayson	ay	ay
	Mr. Madison	ay	
	Mr. R. H. Lee	ay	
North-Carolina,	Mr. Ashe	ay	ay
	Mr. Burton	ay	
South-Carolina,	Mr. Kean	ay	ay
	Mr. Huger	ay	
	Mr. Butler	ay	
Georgia,	Mr. Few	ay)*	

So it was resolved in the affirmative.

On a report of the secretary at war, to whom was referred his letter of the 26th of September, Congress came to the following resolutions:

Whereas the time for which the greater part of the troops on the frontiers are engaged will expire in the course of the ensuing year,

Resolved, That the interests of the United States require

quire that a corps of ſeven hundred troops ſhould be ſta-ſtationed on the frontiers to protect the ſettlers on the public lands from the depredations of the Indians; to facilitate the ſurveying and ſelling of the ſaid lands, in order to reduce the public debt, and to prevent all unwarrantable intruſions thereon.

Reſolved, That in order to ſave the great expence of tranſporting new levies to the diſtant frontiers of the United States, and alſo to avail the public of the diſcipline and knowledge of the country acquired by the troops on the frontiers, it is highly expedient to retain as many of them as ſhall voluntarily re-engage in the ſervice.

Reſolved, That ſeven hundred non-commiſſioned officers and privates be raiſed for the term of three years, unleſs ſooner diſcharged, and that the ſame be furniſhed in the proportions herein ſpecified, by the ſtates which raiſed the troops agreeably to the requiſitions of Congreſs of April, 1785:

Connecticut one hundred and ſixty-five,
New-York one hundred and ſixty-five,
New-Jerſey one hundred and ten,
Pennſylvania two hundred and ſixty.

That the commiſſioned officers for the ſaid troops be furniſhed by the ſaid ſtates agreeably to the preſent proportions.

That the organization of the ſaid troops, together with the two companies of artillery raiſed by virtue of the reſolves of Congreſs of the 20th of October, 1786, be according to the preſent eſtabliſhment; to wit, one regiment of infantry of eight companies, each company four ſergeants, four corporals, two muſicians, and ſixty privates; and one battallion of artillery, of four companies, each company four ſergeants, four corporals, two muſicians, and ſixty privates.

That the ſecretary at war make the neceſſary arrangements from time to time to replace the men on the frontiers whoſe engagements ſhall expire.

That the ſaid troops ſhall be governed by ſuch rules, and articles of war as are or ſhall be eſtabliſhed by Congreſs, or a committee of the ſtates.

That

That the pay and allowances of the ſaid troops be the ſame as directed by the reſolve of Congreſs of April 12, 1785.

That the board of treaſury make the neceſſary proviſions of cloathing and rations from time to time, at ſuch places as the ſecretary at war ſhall judge neceſſary.

THURSDAY, *October* 4, 1787.

Congreſs aſſembled---Preſent as before.

FRIDAY, *October* 5, 1787.

Congreſs aſſembled---Preſent as before.

Congreſs proceeded to the election of a governor for the weſtern territory, purſuant to the ordinance of the 13th of July laſt, and the ballots being taken,

The honorable Arthur St. Clair, was elected.

Congreſs proceeded to the election of a ſecretary, purſuant to the ſaid ordinance, and the ballots being taken,

Mr. Winthrop Sargent, was elected.

On a report of the ſecretary for foreign affairs, to whom were referred two letters from the honorable John Adams, of the 24th and 27th of January laſt:

Reſolved, That the honorable John Adams, the miniſter plenipotentiary of the United States, at the court of London, be permitted, agreeably to his requeſt, to return to America at any time after the 24th day of February, in the year of our Lord 1788, and that his commiſſion of miniſter plenipotentiary to their High Mightineſſes do alſo then determine.

Reſolved, That Congreſs entertain a high ſenſe of the ſervices which Mr. Adams has rendered to the United States, in the execution of the various important truſts which they have from time to time committed to him, and that the thanks of Congreſs be preſented to him for the patriotiſm, perſeverance, integrity and diligence with which he has ably and faithfully ſerved his country.

On the report of a committee conſiſting of Mr. Dane,

Mr.

Mr. Hawkins, Mr. Kean, Mr. Irwine, and Mr. Carrington, to whom were referred a report of the secretary at war, and sundry papers relative to Indian affairs in the northern department:

Resolved, That a general treaty be held with the tribes of Indians within the limits of the United States, inhabiting the country north-west of the Ohio, and about Lake Erie, as soon after the first of April next as conveniently may be, and at such place, and at such particular time as the governor of the western territory shall appoint, for the purposes of knowing the causes of uneasiness among the said tribes and hearing their complaints; of regulating trade and amicably settling all affairs concerning lands and boundaries between them and the United States.

That the said governor of the western territory hold the said treaty agreeably to such instructions as shall be given him for that purpose.

SATURDAY, *October* 6, 1787.

Congress assembled---Present, Massachusetts, New-York, Pennsylvania, Delaware, Virginia, North-Carolina, and South-Carolina; and from New-Hampshire, Mr. Gilman, from Connecticut, Mr. Johnson, from Maryland, Mr. Ross, and from Georgia, Mr. Few.

MONDAY, *October* 8, 1787.

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, and South-Carolina; and from New-Hampshire, Mr. Gilman, and from Maryland, Mr. Ross.

A motion being made by Mr. Dane, seconded by Mr. Smith, as follows:

"Whereas it appears by the journals of Congress, that a federal court has been instituted pursuant to the articles of confederation and perpetual union, to hear and determine a controversy respecting territory between the states of

of Maſſachuſetts and New-York. And whereas it appears by the repreſentations of the delegates of the ſaid ſtates in Congreſs, that the ſaid controverſy has ceaſed, and that the ſame has been ſettled and determined by an agreement entered into on the ſixteenth day of December laſt, by the agents of the ſaid ſtates, in the words following, to wit: Any further proceedings therefore in or relative to the aforeſaid court having become unneceſſary, *Reſolved*, That all further proceedings in and relative to the ſaid federal court, as alſo the commiſſions of the judges thereof, ceaſe and determine."

A motion was made by Mr. Madiſon, ſeconded by Mr. Clarke, to ſtrike out the words "in the words following, to wit;" and on the queſtion ſhall thoſe words ſtand, the yeas and nays being required by Mr. Smith,

New-Hampſhire,	Mr. Gilman	*ay*)*	
Maſſachuſetts,	Mr. Gorham	*ay*	*ay*
	Mr. King	*ay*	
	Mr. Dane	*ay*	
Connecticut,	Mr. Johnſon	*ay*	*ay*
	Mr. Cook	*ay*	
New-York,	Mr. Smith	*ay*	*ay*
	Mr. Haring	*ay*	
	Mr. Yates	*ay*	
New-Jerſey,	Mr. Cadwallader	*no*	*no*
	Mr. Clarke	*no*	
Pennſylvania,	Mr. St. Clair	*no*	*no*
	Mr. Irwine	*no*	
	Mr. Armſtrong	*no*	
Delaware,	Mr. Kearney	*no*	*no*
	Mr. Mitchell	*no*	
Maryland,	Mr. Roſs	*no*)*	
Virginia,	Mr. Grayſon	*no*	*no*
	Mr. Madiſon	*no*	
	Mr. R. H. Lee	*ay*	
	Mr. Carrington	*no*	
	Mr. H. Lee	*ay*	
North-Carolina,	Mr. Aſhe	*no*	*no*
	Mr. Burton	*no*	

South-

South-Carolina,	Mr. Kean	*no*	*div.*
	Mr. Butler	*ay*	
Georgia,	Mr. Few	*no)**	

So the question was lost and the words were struck out; and on the question, the motion being amended, was agreed to as follows:

Whereas it appears by the journals of Congress that a federal court has been instituted, pursuant to the articles of confederation and perpetual union, to hear and determine a controversy respecting territory between the states of Massachusetts and New-York; and whereas it appears by the representations of the delegates of the said states in Congress, that the said controversy has ceased, and the same has been settled and determined by an agreement entered into on the sixteenth day of December last, by the agents of the said states, and any further proceedings in or relative to the aforesaid court having become unnecessary,

Resolved, That all further proceedings in and relative to the said federal court, as also the commissions of the judges thereof cease and determine.

A motion was then made by Mr. Dane, seconded by Mr. Yates, that the attested copy of the aforesaid agreement, laid before Congress by the delegates of the two states, be filed in the secretary's office; the same being in the words following:

TO all to whom these presents shall come, The underwritten, John Lowell, James Sullivan, Theophilus Parsons, and Rufus King, agents or commissioners, appointed by the commonwealth of Massachusetts of the one part, and the underwritten, James Duane, Robert R. Livingston, Robert Yates, John Haring, Melancton Smith, and Egbert Benson, six of the agents or commissioners, appointed by the state of New-York of the other part, send greeting: Whereas the commonwealth of Massachusetts did, heretofore, present a petition to the United States in Congress assembled, thereby, among other things, stating, that all that territory which, in the said petition, is described as "All that part of New-England, in America, which

which lieth and extendeth between a great river, called Merrimack, and a certain other river there, called Charles river, being the bottom of a bay there, called Maſſachuſetts-Bay: and alſo, all thoſe lands lying within three Engliſh miles to the ſouthward of the ſouthermoſt part of the ſaid bay; and extending thence northward, in latitude to the northward of every part of ſaid river Merrimack; and in breadth of latitude aforeſaid, extending throughout all the main land, in longitude, weſtwardly, to the Southern Ocean," was the juſt and proper right of the ſaid commonwealth; and farther, ſtating, that the ſtate of New-York had ſet up a claim to ſome part of the land beforementioned, the ſaid commonwealth did, therefore, by the ſaid petition, ſolemnly requeſt of the United States in Congreſs, that commiſſioners might be appointed, for enquiring into and determining upon the claim aforeſaid, of the legiſlature of the ſaid commonwealth, and that ſuch other proceedings, reſpecting the premiſes, might be had, as are, by the federal government of the ſaid United States, in ſuch caſe made and provided, as by the ſaid petition, filed among the archives of the United States, reference being thereunto had, may more fully appear. And whereas the ſtate of New-York, doth, in oppoſition to the ſaid claim of the commonwealth of Maſſachuſetts, claim, as the juſt and proper right of the ſaid ſtate, as well in reſpect of property as juriſdiction, all thoſe lands and territories bounded on the north by the parallel of the latitude paſſing through the ſaid point, place or boundary aforeſaid of three miles to the north ward of every part of the ſaid river Merrimack, and bounded on the ſouth by the parallel of latitude paſſing through the ſaid point or place, ſituate three miles ſouth of the ſouthermoſt part of the ſaid bay, called Maſſachuſetts-Bay, bounded on the weſt by the limits between the United States and the king of Great-Britain, and the line of ceſſion from the ſtate of New-York to the United States, and bounded on the eaſt by the line agreed on and eſtabliſhed between the late colony of the Maſſachuſetts-Bay and the late colony of New-York, in the year one thou-

ſand

ſand ſeven hundred and ſeventy-three, and from the northern termination of the ſaid line, then bounded on the eaſt by the weſt bank of Connecticut river. And whereas the ſtate of New-York, having been duly notified, did appear, by their lawful agents, to vindicate ſuch their ſaid right againſt the ſaid claim of the ſaid commonwealth, and proceedings were thereupon had in Congreſs, purſuant to the articles of confederation, in order to the appointment of commiſſioners or judges to conſtitute a court for hearing and determining the ſaid matters in queſtion. And whereas the ſaid John Lowell, James Sullivan, Theophilus Parſons, and Rufus King, were afterwards, by a certain commiſſion, under the ſeal of the ſaid commonwealth, and bearing date the twenty-ſixth day of April, in the ninth year of the independence of the United States, and made in purſuance of an act of the legiſlature of the ſaid commonwealth, paſſed the fourteenth day of March, in the eighth year of the independence of the United States; and of a reſolution of the ſaid legiſlature, paſſed the eighteenth day of the ſaid month of March, commiſſionated to be agents, to manage, conduct and proſecute the claims of the ſaid commonwealth, to the lands deſcribed in the ſaid petition. And whereas, afterwards, and pending ſuch proceedings in Congreſs, the legiſlature of the commonwealth of Maſſachuſetts did, by an act, entitled, an act empowering the agents appointed by this government, to defend the territory on the weſt ſide of "Hudſon's river, againſt the claims of the ſtate of New-York, to ſettle the controverſy relative thereto, otherwiſe than by a federal court, if they ſhall judge it expedient," enact, that the major part of the ſaid agents, or commiſſioners, ſhould be fully authoriſed and empowered to agree with the agents, or commiſſioners, of the ſtate of New-York, and ſettle the controverſy reſpecting the territory aforeſaid, by a federal court, as appointed by virtue of the confederation, or otherwiſe, in ſuch way and manner as they ſhould judge would comport with juſtice and the intereſt of the ſaid commonwealth; and the legiſlature of the ſtate of New-York did, by an act

act, entitled, "An act supplementary to the act, entitled, an act to appoint agents, or commissioners, for vindicating the right and jurisdiction of this state, against the claims of the commonwealth of Massachusetts, pursuant to the articles of confederation and perpetual union of the United States," among other things enact, that it should be lawful for the said James Duane, Robert R. Livingston, Egbert Benson, John Haring, Melancton Smith, and Robert Yates, and also John Lansing, jun. or any five or more of them, to settle the said controversy between the said state of New-York, and the said commonwealth of Massachusetts, otherwise than by the said federal court, in such manner as they should judge most conducive to the interest of the said state, as by the said commission and the said several acts, relation being thereunto had, may appear: Now, therefore, know ye, that the underwritten commissioners, on the part of the commonwealth of Massachusetts and the state of New-York, respectively, having, by mutual consent, assembled at the city of Hartford, in the state of Connecticut, on the thirtieth day of November last, in order to the due execution of their respective trusts, and having duly exchanged and considered their respective powers, and declared the same legal and sufficient, after several conferences, and to the end that all interfering claims and controversies between the said commonwealth of Massachusetts and the said state of New-York, as well in respect of jurisdiction as property, may be finally settled and extinguished, and peace and harmony for ever established between them on the most solid foundation; have agreed, and by these presents do mutually for and in behalf of the said commonwealth of Massachusetts and the said state of New-York, by whom, respectively, they, the said commissioners, have been so appointed and authorised as aforesaid, agree to the mutual cessions, grants, releases, and other provisions following, that is to say: First, the commonwealth of Massachusetts doth hereby cede, grant, release, and confirm to the state of New-York for ever, all the claim, right and title which the commonwealth of Massachusetts hath to the government, sovereignty, and juris-

jurisdiction of the lands and territories so claimed by the state of New-York, as herein before stated and particularly specified. Secondly, the state of New-York doth hereby cede, grant, release, and confirm to the said commonwealth of Massachusetts, and to the use of the commonwealth, their grantees, and the heirs and assigns of such grantees for ever, the right of pre-emption of the soil from the native Indians, and all other the estate, right, title, and property (the right and title of government, sovereignty, and jurisdiction excepted) which the state of New-York hath, of, in, or to two hundred and thirty thousand and four hundred acres to be located by the commonwealth of Massachusetts, and to be situate to the northward of and adjoining to the lands granted respectively to Daniel Coxe and Robert Lettice Hooper, and their respective associates, and between the rivers Oswega and Chenengo, and also of, in, or to all the lands and territories within the following limits and bounds, that is to say, beginning in the north boundary line of the state of Pennsylvania, in the parallel of forty-two degrees of north latitude, at a point, distant eighty-two miles west from the north-east corner of the state of Pennsylvania, on Delaware river, as the said boundary line hath been run and marked by the commissioners appointed by the states of Pennsylvania and New-York, respectively; and from the said point or place of beginning, running on a due meridian north, to the boundary line between the United States of America and the king of Great-Britain; thence westerly and southerly along the said boundary line to a meridian which will pass one mile due east from the northern termination of the streight or waters between lake Ontario and lake Erie; thence south along the said meridian to the south shore of lake Ontario; thence on the eastern side of the said streight, by a line always one mile distant from and parallel to the said streight, to lake Erie; thence due west to the boundary line between the United States and the king of Great-Britain; thence along the said boundary line until it meets with a line of cession from the state of New-York, to the United States; thence

along

along the ſaid line of ceſſion, to the north-weſt corner of the ſtate of Pennſylvania, and thence eaſt along the northern boundary line of the ſtate of Pennſylvania, to the ſaid place of beginning; and which ſaid lands and territories ſo ceded, granted, releaſed and confirmed, are parcel of the lands and territories deſcribed in the ſaid petition. Thirdly, the commonwealth of Maſſachuſetts doth hereby cede, grant, releaſe and confirm to the ſtate of New-York, and to the uſe of the ſtate of New-York, their grantees, and the heirs and aſſigns of ſuch grantees, for ever, the right of pre-emption of the ſoil from the native Indians, and all other the eſtate, right, title and property which the commonwealth of Maſſachuſetts hath of, in or to the reſidue of the lands and territories ſo claimed by the ſtate of New-York, as herein before ſtated and particularly ſpecified. Fourthly, that the lands ſo ceded, granted, releaſed and confirmed to the commonwealth of Maſſachuſetts, or ſuch part thereof as ſhall from time to time be and remain the property of the commonwealth of Maſſachuſetts, ſhall, during the time that the ſame ſhall ſo be and remain ſuch property, be free and exempt from all taxes whatſoever, and that no general or ſtate tax ſhall be charged on or collected from the lands hereafter to be granted by the commonwealth of Maſſachuſetts, or on the occupants or proprietors of ſuch lands, until fifteen years after ſuch confirmation as is herein after mentioned of ſuch grants ſhall have expired; but that the lands ſo to be granted, and the occupants thereof, ſhall, during the ſaid period, be ſubject to town or county charges or taxes only; provided that this exemption from general or ſtate taxes ſhall not be conſtrued to extend to ſuch duties, exciſes or impoſts to which the other inhabitants of the ſtate of New-York ſhall be ſubject and liable. Fifthly, that no rents or ſervices ſhall be reſerved in any grants to be made of the ſaid lands, by the commonwealth of Maſſachuſetts. Sixthly, that the inhabitants on the ſaid lands and territories, being citizens of any of the United States, and holding by grants from the commonwealth of Maſſachuſetts, ſhall be entitled to equal

rights

rights with the other citizens of the ſtate of New-York; and further, that the citizens of the commonwealth of Maſſachuſetts ſhall, from time to time, and at all times hereafter, have and enjoy the ſame and equal rights reſpecting the navigation and fiſhery on and in lake Ontario and lake Erie, and the waters communicating from the one to the other of the ſaid lakes, and reſpecting the roads and portages between the ſaid lakes, as ſhall from time to time be had and enjoyed by the citizens of the ſtate of New-York; and the citizens of the commonwealth of Maſſachuſetts ſhall not be ſubject to any other regulations or greater tolls or duties to be made or impoſed from time to time by the ſtate of New-York, reſpecting the premiſes, than the citizens of the ſtate of New-York ſhall be ſubject to. Seventhly, that no adverſe poſſeſſion of the ſaid lands for any length of time, ſhall be adjudged a diſſeizen of the commonwealth of Maſſachuſetts. Eighthly, that the ſtate of New-York, ſo long as any part of the ſaid lands ſhall be and remain the property of the commonwealth of Maſſachuſetts, ſhall not cede, relinquiſh, or in any manner diveſt themſelves of the government and juriſdiction of the ſaid lands, or any part thereof, without the conſent of the commonwealth of Maſſachuſetts. Ninthly, that the commonwealth of Maſſachuſetts may from time to time, by perſons to be by them authoriſed for the purpoſe, hold treaties and conferences with the native Indians, relative to the property or right of ſoil of the ſaid lands and territories hereby ceded, granted, releaſed and confirmed to the commonwealth of Maſſachuſetts, and with ſuch armed force as they ſhall deem neceſſary for the more effectual holding ſuch treaty or conference; and the commonwealth of Maſſachuſetts, within ſix months after ſuch treaties ſhall reſpectively be made, ſhall cauſe copies thereof to be depoſited in the office of the ſecretary of the ſtate of New-York. Tenthly, the commonwealth of Maſſachuſetts may grant the right of pre-emption of the whole or any part of the ſaid lands and territories, to any perſon or perſons, who, by virtue of ſuch grant, ſhall have good right to extinguiſh by purchaſe, the claims of the native Indians;

provided

provided however, that no purchase from the native Indians by any such grantee or grantees, shall be be valid, unless the same shall be made in the presence of, and approved by a superintendant to be appointed for such purpose by the commonwealth of Massachusetts, and having no interest in such purchase, and unless such purchase shall be confirmed by the commonwealth of Massachusetts. Eleventhly, that the grantees of the said lands and territories under the commonwealth of Massachusetts, shall, within six months after the confirmation of their respective grants, cause such grants, or the confirmations thereof, or copies of such grants or confirmations, certified or exemplified under the seal of the commonwealth of Massachusetts, to be deposited in the said office of secretary of the state of New-York, to the end that the same may be recorded there; and after the same shall have been so recorded, the grantees shall be entitled to receive again from the said secretary, their respective grants or confirmations, or the copies thereof, whichsoever may have been so deposited, without any charges or fees of office whatsoever, and every grant or confirmation which shall not, or of which such copy shall not be so deposited, shall be adjudged void. *In Testimony whereof*, the said John Lowell, James Sullivan, Theophilus Parsons, and Rufus King, for and in the name and behalf of the said commonwealth of Massachusetts, and the said James Duane, Robert R. Livingston, Robert Yates, John Haring, Melancton Smith, and Egbert Benson, for and in the name and on behalf of the said state of New-York, have to these presents, and a duplicate thereof, both indented, interchangeably set their hands and affixed their seals. Done at the city of Hartford aforesaid, the sixteenth day of December, in the year of our Lord one thousand seven hundred and eighty-six, and the eleventh year of the independence of the United States of America. The following errors in transcribing being corrected before execution, viz. the words [the underwritten] between the 1st and 2d lines, [there] between the 4th and 5th lines, [are] and [said] between the 9th and 10th lines, [point] between the 11th and 12th lines,

lines, [ſaid] between the 18th and 19th lines, [an act entitled] between the 22d and 23d lines, [relative thereto] between the 23d and 24th lines, [and] and [alſo] between the 28th and 29th lines, [following] between the 36th and 37th lines, [ſovereignty] between the 40th and 41ſt lines, [appointed] between the 44th and 45th lines of the firſt ſheet, being interlined; and [of Maſſachuſetts] between the 11th and 12th lines, [native] between the 15th and 16th lines, [ceded] between the 16th and 17th lines, and [ſo] between the 27th and 28th lines, interlined in the ſecond ſheet, and an eraſure between the words [until] and [fifteen] made in the ſecond ſheet. John Lowell, (L. S.) James Sullivan, (L. S.) Theophilus Parſons, (L. S.) Rufus King, (L. S.) James Duane, (L. S.) Robert R. Livingſton, (L. S.) Robert Yates, (L. S.) John Haring, (L. S.) Melancton Smith, (L. S.) Egbert Benſon, (L. S.) —Witneſſes preſent at the ſealing and delivery, George Wyllys, Thos. Seymour, Jeſſe Root, Jere. Wadſworth, D. Humphreys, Wm. Imlay, Joſeph Webb, Simeon De Witt, Lewis Duboys, Nathaniel Bethune. BE it remembered, that on this thirtieth day of January, in the year of our Lord one thouſand ſeven hundred and eighty-ſeven, perſonally appeared before me Richard Morris, eſquire, chief juſtice of the ſtate of New-York, Jeremiah Wadſworth, and Lewis Duboys, eſqrs. two of the ſubſcribing witneſſes to the within inſtrument, who being by me duly ſworn, did ſeverally depoſe and ſay, that they were preſent, and did ſee the within named James Duane, Robert R. Livingſton, Robert Yates, John Haring, Melancton Smith, Egbert Benſon, John Lowell, James Sullivan, Theophilus Parſons, and Rufus King, ſeverally ſign, ſeal and deliver the within inſtrument as their, and each of their free and voluntary act and deed, to and for the uſes and purpoſes therein mentioned; and that George Wyllys, Thomas Seymour, Jeſſe Root, D. Humphreys, William Imlay, Simeon De Witt, and Nathaniel Bethune, the other ſubſcribing witneſſes, were alſo preſent, and did, together with the deponents, ſign and ſubſcribe their names as witneſſes to the execution thereof; and I having inſpected

ſpected the ſaid inſtrument, and finding no interlineations or material eraſures therein, except thoſe noted in the body thereof to have been made before the execution thereof, do allow the ſame to be recorded. Richard Morris. —— Secretary's-office, office of the ſtate of New-York, ſs. I Certify that the within inſtrument and certificate are recorded in the ſaid office, in book of miſcellaneous records, endorſed A M R, page 38, &c. Examined and compared with the ſaid record copy thereof, this ſecond day of February, 1787, by me Robert Harpur, deputy-ſecretary.—Secretary's-office of the ſtate of New-York, ſs. I Do hereby Certify the aforegoing to be a true copy of the original thereof remaining in the ſaid office, (the word "*hath*" between the 27th and 28th lines, and the ſyllable "*in*" between the 45th and 46th lines, being firſt interlined; and the words "*exciſes*" on the 39th and "*Richard Morris*" on the 62d lines, being firſt written on razures.) Examined and compared therewith this 8th day of Auguſt, 1787, by me Robert Harpur, deputy ſecretary."

On the queſtion to agree to this motion, the yeas and nays being required by Mr. Smith,

New-Hampſhire,	Mr. Gilman	*ay*)*	
Maſſachuſetts,	Mr. Gorham	*ay*	*ay*
	Mr. King	*ay*	
	Mr. Dane	*ay*	
Connecticut,	Mr. Johnſon	*ay*	*ay*
	Mr. Cook	*ay*	
New-York,	Mr. Smith	*ay*	*ay*
	Mr. Haring	*ay*	
	Mr. Yates	*ay*	
New-Jerſey,	Mr. Cadwallader	*no*	*no*
	Mr. Clarke	*no*	
Pennſylvania,	Mr. St. Clair	*ay*	*ay*
	Mr. Irwine	*no*	
	Mr. Armſtrong	*ay*	
Delaware,	Mr. Kearney	*no*	*no*
	Mr. Mitchell	*no*	
Maryland,	Mr. Roſs	*no*)*	

Vir-

Virginia,	Mr. Grayſon	*no*	*no*
	Mr. Madiſon	*no*	
	Mr. R. H. Lee	*ay*	
	Mr. Carrington	*no*	
	Mr. H. Lee	*ay*	
North-Carolina,	Mr. Aſhe	*no*	*no*
	Mr. Burton	*no*	
South-Carolina,	Mr. Kean	*no*	*dd*
	Mr. Butler	*ay*	
Georgia,	Mr. Few	*no)**	

So the queſtion was loſt.

TUESDAY, *October* 9, 1787.

Congreſs aſſembled---Preſent, Maſſachuſetts, Connecticut, New-York, New-Jerſey, Pennſylvania, Virginia, North-Carolina, and South-Carolina; and from New-Hampſhire, Mr. Gilman, from Delaware, Mr. Mitchell, from Maryland, Mr. Reſs, and from Georgia, Mr. Few.

A report of the board of treaſury, on a petition of Mr. Abraham Yates, jun. being called for and read; a motion was made by Mr. Burton, ſeconded by Mr. Mitchell, to commit the ſaid report, which is in the words following, to wit:

The board of treaſury, to whom was referred the petition of Abraham Yates, jun. eſq. late continental loan-officer for the ſtate of New-York, praying a further allowance for his ſervices in that department,

Beg leave to report,

That from a ſummary of Mr. Yates's commiſſion account, whilſt acting as loan-officer for the ſtate of New-York, tranſmitted to this office by the commiſſioner of accounts for that ſtate, it appears, That the amount of the commiſſions allowed to, and received by Mr. Yates, for his ſervices as loan-officer, was ſix thouſand two hundred and forty-three dollars, ſpecie value. That Mr. Yates entered on the duties of his ſtation in the month of November, 1779, and continued therein until the 1ſt of January, 1786,

1786, but ſcarcely any buſineſs whatever was tranſacted in that office after the month of December, 1781, till the month of April, 1785; ſo that the ſpace of time in which Mr. Yates's ſervices were actually engaged in the buſineſs of the loan-office, will not exceed three years. That in the adjuſtment of Mr. Yates's commiſſion account, the ſtate commiſſioner has allowed a ſpecie commiſſion on the nominal ſum of the old continental emiſſions received, and paid by the loan-officer at a depreciated value, contrary to the general principles which had governed in the former ſettlement of loan-office accounts; and that the propriety of adhering to theſe principles is clearly ſtated in the report of the comptroller of the treaſury, concurred in by this board on the 16th December laſt. That, in conſequence of this mode of adjuſtment, the comptroller ſtates, that there is a conſiderable difference in favor of Mr. Yates, in the ſpecie balance found due to him. With reſpect to the additional compenſation claimed by Mr. Yates, the board obſerve, that it ariſes for ſervices in ſigning, ſtamping and numbering about twenty-three thouſand bills of the new emiſſion; and in counting, punching and packing 2,825,000 dollars, in bills of the old emiſſion; for which laſt ſervice Mr. Yates charges fourteen hundred and twelve pounds nine ſhillings, New-York currency, equal to three thouſand five hundred and thirty-one ſpecie dollars, being a commiſſion of 1-8 per cent. in ſpecie, on the amount of the old continental emiſſions above-mentioned. That, on eſtimating the amount of the ſpecie commiſſion above-mentioned, at the value of the old continental money, as fixed by the reſolve of Congreſs of the 18th March, 1780, it would amount to 141,240 continental dollars, which is equal to a commiſſion of 5 per cent. (inſtead of 1-8, as allowed by Congreſs) on the whole ſum received; from which it clearly appears, that, if a ſpecie commiſſion was to be eſtimated on monies received at a depreciated rate, the ſame would conſtantly augment in a ratio proportioned to the ſtage of depreciation; ſo that on the continental monies ſtill to be deſtroyed at the treaſury (eſtimat-

(eſtimating the preſent worth, at 250 for one, at which it was lately purchaſed by the ſtate of New-York) the commiſſion would exceed 30 per cent. That it appears to this board, from a report of the two commiſſioners employed in this city, to examine, count and deſtroy the bills of the old continental emiſſions, now bringing into the treaſury, that, betwixt the 15th December and 19th January laſt, they had examined, counted and deſtroyed 2,759,217 dollars of the old continental emiſſions. That the allowance, made to each of theſe commiſſioners, is two dollars per day; ſo that the expence attending this ſervice has been one hundred and eight dollars: admitting, therefore, the trouble of receiving and punching the old emiſſions, at the reſpective loan-offices, to be equal to that of examining and deſtroying the ſame at the treaſury, the expence of cancelling the ſum received by Mr. Yates, would be one hundred and eleven ſpecie dollars, inſtead of three thouſand five hundred and twenty-one dollars, as claimed by his memorial. On the whole, the board beg leave to obſerve, that, on eſtimating the commiſſions on the old emiſſions, received by Mr. Yates, on the principles ſtated in the report of the comptroller, the ſpecie balance, found due to that officer, would be diminiſhed two thouſand eight hundred and ninety-four dollars; ſo that, ſhould the commiſſion of 1-8 per cent. on the old emiſſions cancelled by him, in purſuance of the reſolve of the 18th March, 1780, be allowed (notwithſtanding the objections made thereto by the commiſſioner of accounts for the ſtate of New-York) the amount of the ſame would fall far ſhort of the ſum obtained by Mr. Yates, in conſequence of the principles on which his commiſſion account has been ſettled; ſince, by a juſt eſtimation of the commiſſion of 1-8 per cent. as claimed by the memorial, the ſame would amount only to eighty-eight ſpecie dollars. The principle of applying a ſpecie commiſſion on monies received on account of the United States, at a depreciated value, appears to this board a precedent of ſo dangerous a nature, that they have eſteemed it their duty, in the firſt inſtance which has come under their cognizance,

nizance, to be particular in their obſervations on it. The commiſſion account of the loan officers of the ſtates of Pennſylvania and Maſſachuſetts, eſtimated in this manner, would amount to a ſum, exceeding in a prodigious degree, any equitable compenſation for their reſpective ſervices. Nor is this the extent of the miſchief; the various officers entitled to commiſſions in the ſtaff department, might plead a precedent for applying the ſame principle in the ſettlement of their reſpective accounts, and thereby ſwell the amount of their commiſſions to a ſum of a far greater magnitude than the public were bound to pay, or they had a right to expect. In the commiſſary and quarter-maſter general's department, under the direction of the late major-general Greene and colonel Wadſworth, the ſum of old emiſſion money received by them, reſpectively, is as follows:

	Dollars.
By major-general Greene,	89,903,885
By colonel Wadſworth,	79,246,733

By the reſolve of Congreſs, of the 2d March, 1778, the commiſſion allowed to the quarter-maſter general, and his two principal aſſiſtants, for their trouble and expence, was to be one per cent. on the monies iſſued to them. By the reſolve of the 9th April, 1778, the commiſſary-general, his deputies, and purchaſing aſſiſtants, are allowed three per cent. on all the monies received and expended by them in their reſpective departments. At the date of the firſt reſolve, the value of continental money, compared with ſpecie, was at 56 79-90ths per 100; at the date of the ſecond, it was 47 86-90ths. If, therefore, a ſpecie commiſſion, agreeably to the value of continental money when the commiſſion was fixed, is allowed on the expenditures above ſtated, the ſum due under that head to the late general Greene, and his two principal aſſiſtants, would be - *Specie Dollars.* 511,428

To Colonel Wadſworth and the officers under him, - - 1,140,162

1,651,590

In the commiſſion of the commiſſary-general's department,

ment, thoſe of the ſubordinate officers are included, which is not the caſe in the firſt ſum; but eſtimating the commiſſions due to officers of ſame condition, in the quarter-maſter's department, to about the ſame allowance (which will be found nearly the caſe) the aggregate of the commiſſion account, on theſe two departments only, would be two million of ſpecie dollars.—Whether or not the ſum found due, by the ſtate commiſſioner to Mr. Yates, is more than an adequate compenſation for his ſervices, whilſt acting as loan-officer, the board do not take upon themſelves to determine. From the circumſtances ſtated in this report, Congreſs will judge, whether any further allowance will be proper; or whether it will be neceſſary to reviſe the adjuſtment of the ſaid accounts, on the principles ſtated by the comptroller of the treaſury. If, on ſuch re-adjuſtment the amount of the commiſſions found due to Mr. Yates, ſhould not be adequate, the United States in Congreſs (who are alone competent to this object) may make ſuch further additional allowance as they may judge neceſſary, without giving a ſanction to the eſtabliſhment of a principle in the ſettlement of public accounts, which, in its conſequences, may prove highly injurious to the intereſt of the United States.

On the queſtion for committing the foregoing report, the yeas and nays being required by Mr. Mitchell,

New-Hampſhire,	Mr. Gilman	*no*)*	
Maſſachuſetts,	Mr. Gorham	*ay*	*ay*
	Mr. King	*ay*	
	Mr. Dane	*ay*	
Connecticut,	Mr. Johnſon	*ay*	*ay*
	Mr. Cook	*ay*	
New-York,	Mr. Smith	*ay*	*ay*
	Mr. Haring	*ay*	
New-Jerſey,	Mr. Cadwallader	*ay*	*ay*
	Mr. Clark	*ay*	
Pennſylvania,	Mr. St. Clair	*no*	*dd*
	Mr. Irwine	*ay*	
Delaware,	Mr. Mitchell	*ay*)*	
Maryland,	Mr. Roſs	*ay*)*	

Vir-

Virginia,	Mr. Grayſon	*no*	*no*
	Mr. Madiſon	*no*	
	Mr. R. H. Lee	*no*	
	Mr. Carrington	*no*	
	Mr. H. Lee	*no*	
North-Carolina,	Mr. Aſhe	*ay*	*ay*
	Mr. Burton	*ay*	
South-Carolina,	Mr. Kean	*ay*	*ay*
	Mr. Huger	*ay*	
	Mr. Butler	*ay*	
Georgia,	Mr. Few	*ay)**	

So the queſtion was loſt.

WEDNESDAY, *October* 10, 1787.

Congreſs aſſembled---Preſent as yeſterday.

A motion being made by Mr. Grayſon, ſeconded by Mr. Huger,

That from and after the laſt day of December next, the public mail be conveyed from Peterſburgh in Virginia, by the route of Halifax, Tarborough, Fayetteville, Cambden, and Columbia, to the town of Auguſta in the ſtate of Georgia, and that the poſt-maſter general make his contracts with the owners of the ſtage carriages accordingly:

On the queſtion to agree to this, the yeas and nays being required by Mr. Few,

Maſſachuſetts,	Mr. Gorham	*no*	*no*
	Mr. King	*no*	
	Mr. Dane	*no*	
Connecticut,	Mr. Johnſon	*no*	*no*
	Mr. Cook	*no*	
New-York,	Mr. Smith	*no*	*no*
	Mr. Haring	*no*	
New-Jerſey,	Mr. Cadwallader	*no*	*no*
	Mr. Clarke	*no*	
Pennſylvania,	Mr. St. Clair	*no*	*no*
	Mr. Irwine	*no*	
	Mr. Armſtrong	*no*	
Delaware,	Mr. Mitchell	*no)**	

Mary-

Maryland,	Mr. Rofs	*no*)*	
Virginia,	Mr. Grayfon	*ay*	*ay*
	Mr. Madifon	*ay*	
	Mr. R. H. Lee	*ay*	
	Mr. Carrington	*no*	
North-Carolina,	Mr. Afhe	*ay*	*ay*
	Mr. Burton	*ay*	
South-Carolina,	Mr. Kean	*ay*	*ay*
	Mr. Huger	*ay*	
	Mr. Butler	*ay*	
Georgia,	Mr. Few	*ay*)*	

So the queftion was loft.

THURSDAY, *October* 11, 1787.

Congrefs affembled---Prefent, Maffachufetts, Connecticut, New-York, New-Jerfey, Pennfylvania, Delaware, Virginia, North-Carolina, and South-Carolina; and from New-Hampfhire, Mr. Gilman, from Maryland, Mr. Rofs, and from Georgia, Mr. Few.

On motion of Mr. Dane, feconded by Mr. King,

Refolved, That the contract made by John Adams, efq. minifter plenipotentiary in behalf of the United States of America, on the firft day of June, 1787, for the loan of one million of guilders, be and it is hereby ratified.

Refolved, That three fair copies of the contract, with a ratification in the form of that agreed to on the firft of February, 1785, mutatis mutandis endorfed on each copy, be made out and duly attefted, and that the fecretary for the department of foreign affairs tranfmit the fame by feveral conveyances to Mr. J. Adams, minifter plenipotentiary aforefaid.

The committee, confifting of Mr. Kean, Mr. Madifon, Mr. Dane, Mr. Smith and Mr. Grayfon, to whom was referred a report of the board of treafury and a motion of Mr. Kean, refpecting the requifition for 1787, having reported, "That from the feveral papers referred to them, it appears that there is wanting for the fervices of the year 1787, the payment of one year's intereft on the Foreign Debt, and fuch part of the principal as becomes due in the year

year 1788, and the payment of one year's intereſt on the Domeſtic Debt, the ſum of 3,009,798. 64-90 dollars.

"That of the aforeſaid ſum, 1,309,391. 64-90 is abſolutely neceſſary in ſpecie—that there are conſiderable ſums in ſpecie due from the ſtates over and above thoſe which are neceſſary to diſcharge the exiſting demands on former requiſitions, which ſums are nearly equal to the payment of that part of the preſent requiſition that is abſolutely neceſſary in ſpecie, and the objects for which the ſaid ſums were called for no longer exiſting, they may be now appropriated to the purpoſes of the preſent requiſition---that in their opinion many difficulties have ariſen from the reſtrictions made in former requiſitions in the iſſuing of the indents of intereſts; the making them receivable only for the year in which they were iſſued, and then only when accompanied by a proportion of ſpecie, and declaring that after a certain period they ſhould not be received from the ſtates at the federal treaſury, all which have ſerved to check the exertions of the ſtates, and to keep back the ſpecie payments; nor have they had thoſe beneficial effects expected from them of ſtopping the iſſue of indents where ſtates had not paſſed legiſlative acts to call them in, or keeping up their value and preventing depreciation, but on the contrary have opened a new ſcene of ſpeculation in transferring the property of a citizen of a ſtate which has not paſſed a legiſlative act, to a citizen of a ſtate which has. In addition to this the committee obſerve, that the acts of Congreſs empowering the board of treaſury to contract for the ſale of Weſtern territory, alſo empowers them to iſſue indents of intereſt to the purchaſers, ſo that to continue ſuch reſtriction would operate only to the injury of a few, and be no public benefit." Whereupon,

Reſolved, That for the ſervices of the year 1787, for the payment of one year's intereſt on the Foreign Debt, and ſuch part of the principal as becomes due in the year 1788, and for the payment of one year's intereſt on the Domeſtic Debt, it will be neceſſary that three millions and nine thouſand ſeven hundred and ninety-eight ſixty-four-ninetieths dollars be paid into thet reaſury of the United States

States on or before the first day of July next, to be appropriated to the following purposes, viz.

For the civil department,		124,161.85
Military department,		176,757.17
Geographer's department,		9,964
Invalid pensions,		88,000
Contingencies,		19,000
Foreign debt for the payment of interest on the French and Dutch loans, and two instalments of principal on the French loans, becoming due 1788,	871,622.87	
Spanish loan, one year's interest due thereon,	8,700	
Debt due to foreign officers, one year's interest thereon,	11,185.55	
		891,508.52
Domestic debt, one year's interest thereon,		1,700,407
Making in the whole,	dollars	3,009,798.64

Resolved, That the sums called for in the years 1784, 1785, and 1786, and stated by the board of treasury not now to be necessary, the objects for which they were called for no longer existing, which sums amount to one million two hundred thousand dollars, be now appropriated to the payment of that part of the present requisition which cannot be discharged but with specie; any thing in former requisitions to the contrary notwithstanding: and shall be applied in conformity with the several appropriations in the preceding part of this report, giving preference according to the order in which they are stated in the estimate.

Resolved, That one hundred and nine thousand three hundred and ninety-one dollars sixty-four ninetieths, in the hands of the commissioners of loans in Holland, in aid of the above sum, be appropriated for the discharging the interest

interest due on the Foreign Debt due in Holland, and to no other purpose whatever.

As 1,700,407 dollars called for are to be applied to the payment of the interest due on the Domestic Debt of the United States.

Resolved, That the several states be allowed to discharge the same by indents for interest on loan-office certificates, and upon other certificates of the liquidated debts of the United States, *in such manner as they judge most expedient*; and to ascertain the evidences of interest due on loan-office certificates, the holders thereof respectively shall be at liberty to carry them to the office from which they issued, and the holders of other certificates of liquidated debts of the United States, to carry the same to the loan-office of that state wherein they are inhabitants, or, if foreigners, to any loan-office within the United States, and to have the interest thereon settled and certified to the last day of the year 1786; any thing in the requisitions for the years 1784, 1785 and 1786, to the contrary notwithstanding.

Resolved, That the quotas of the several states, of the aforesaid sum of 1,700,407 dollars in indents be as follows, viz.

New-Hampshire,	59,684	
Massachusetts,	254,381	
Rhode-Island,	36,558	
Connecticut,	149,976	
New-York,	145,555	
New-Jersey,	94,372	
Pennsylvania,	232,616	
Delaware,	25,506	
Maryland,	160,349	
Virginia	290,770	
North-Carolina,	123,450	
South-Carolina,	108,996	
Georgia,	18,194	is 1,700,407

That the foregoing requisition when paid, shall be passed to the credit of the states respectively, on the terms prescribed by the resolve of Congress of the 6th day of October, 1779.

Re-

Resolved, That the board of treasury furnish the several loan-officers with indents, to be issued for interest as aforesaid, and also with such checks and instructions as they from time to time shall judge necessary, to prevent counterfeit certificates of debts from obtaining a settlement of interest, and to detect counterfeit evidences of interest, and thereby to avoid receiving them in discharge of taxes; which indents of interest being parted with by the holders of the principal, shall be deemed evidence that he has received satisfaction for the same, and therefore shall be receivable from the bearer in lieu of money in any other state in the union, as well as in the state in which they were issued.

That the state paying such indents of interest into the federal treasury, shall have credit therefor, which payment shall be considered as a discharge of the interest on the domestic debt, in the proportion that each state avails itself of the said indents of interest; but no state shall have a right to pay more than its quota, as specified in the existing requisitions of Congress, in the said indents of interest.

Resolved, That the board of treasury be and they are hereby directed to transmit to each state, an account of their respective arrears in specie and in indents, to state to them the impediments that the public service has suffered, and the accumulation of foreign and domestic embarrassments that have arisen from their delinquency; to press upon them the absolute necessity of their making payment of their arrears of specie, as it is the only fund on which Congress can rely for the support of the federal government; and to remind those states who continue particularly delinquent, that they must be considered as responsible for all the evils which will inevitably flow from a disregard to the political obligations by which they are constitutionally bound.

Resolved, That such part of the requisitions of the year 1784, 1785, and 1786, as restricts the receipt at the public treasury of indents of interest without a certain proportion of specie; those parts which declare that after a certain

certain day those states which have not paid their quotas, shall be held to pay the same in specie; and such part as prevents the receiving of the indents issued in one year, in payment of taxes for another, be, and they are hereby repealed:---And it is hereby declared that the indents issued in 1784, 1785, and 1786, or under the present requisition, shall be indiscriminately received in payment of any state's quota of indents of interest.

When the third resolution was under consideration, a motion was made by Mr. Clarke, seconded by Mr. Cadwallader, to strike out the words "in such manner as they judge most expedient," and in lieu thereof to insert "or in such other manner as they or any of them may judge most expedient, provided the same shall be satisfactory to the creditors of the United States who may be affected thereby."

A motion was made by Mr. Grayson, seconded by Mr. R. H. Lee, to amend the amendment, by adding thereto the words "and provided there be no discrimination made between the citizens of one state and another and foreigners," and on the question to agree to the amendment on the amendment, the yeas and nays being required by Mr. Grayson,

New-Hampshire,	Mr. Gilman	ay)*	
Massachusetts,	Mr. King	no	no
	Mr. Dane	no	
Connecticut,	Mr. Johnson	no	dd
	Mr. Cook	ay	
New-York,	Mr. Smith	no	no
	Mr. Haring	no	
New-Jersey,	Mr. Cadwallader	no	no
	Mr. Clarke	no	
Pennsylvania,	Mr. St. Clair	no	no
	Mr. Irvine	no	
	Mr. Bingham	no	
	Mr. Armstrong	no	
Delaware,	Mr. Kearney	no	no
	Mr. Mitchell	no	
Maryland,	Mr. Ross	ay)*	

Vir-

Virginia,	Mr. Grayſon	*ay*	*ay*
	Mr. Madiſon	*ay*	
	Mr. R. H. Lee	*ay*	
	Mr. Carrington	*ay*	
North-Carolina,	Mr. Aſhe	*ay*	*ay*
	Mr. Burton	*ay*	
South-Carolina,	Mr. Kean	*ay*	*ay*
	Mr. Huger	*ay*	
	Mr. Butler	*ay*	
Georgia,	Mr. Few	*ay)**	

So the queſtion was loſt.

On the queſtion to agree to the motion for amendment, the yeas and nays being required by Mr. Clarke,

New-Hampſhire,	Mr. Gilman	*no)**	
Maſſachuſetts,	Mr. King	*no*	*no*
	Mr. Dane	*no*	
Connecticut,	Mr. Johnſon	*no*	*no*
	Mr. Cook	*no*	
New-York,	Mr. Smith	*no*	*no*
	Mr. Haring	*no*	
New-Jerſey,	Mr. Cadwallader	*no*	*dd*
	Mr. Clarke	*ay*	
Pennſylvania,	Mr. St. Clair	*no*	*ay*
	Mr. Irvine	*ay*	
	Mr. Bingham	*ay*	
	Mr. Armſtrong	*ay*	
Delaware,	Mr. Kearney	*no*	*no*
	Mr. Mitchell	*no*	
Maryland,	Mr. Roſs	*no)**	
Virginia,	Mr. Grayſon	*no*	*no*
	Mr. Madiſon	*no*	
	Mr. R. H. Lee	*no*	
	Mr. Carrington	*no*	
	Mr. H. Lee	*no*	
North-Carolina,	Mr. Aſhe	*no*	*no*
	Mr. Burton	*no*	
South-Carolina,	Mr. Kean	*no*	*no*
	Mr. Huger	*no*	
	Mr. Butler	*no*	
Georgia,	Mr. Few	*no)**	

So the queſtion was loſt.

When

When the quotas of the ſtates were under conſideration, a motion was made by Mr. Kearney, ſeconded by Mr. Mitchell, to deduct from the quota of Delaware, and add to that of Georgia the ſum of 3506 dollars; and on the queſtion to agree to this motion, the yeas and nays being required by Mr. Kearney,

New-Hampſhire,	Mr. Gilman	*ay*)*	
Maſſachuſetts,	Mr. Gorham	*ay*	*ay*
	Mr. King	*no*	
	Mr. Dane	*ay*	
Connecticut,	Mr. Johnſon	*no*	*dd*
	Mr. Cook	*ay*	
New-York,	Mr. Smith	*ay*	*dd*
	Mr. Haring	*no*	
New-Jerſey,	Mr. Cadwallader	*ay*	*ay*
	Mr. Clark	*ay*	
Pennſylvania,	Mr. St. Clair	*ay*	*ay*
	Mr. Irvine	*ay*	
	Mr. Bingham	*ay*	
	Mr. Armſtrong	*ay*	
Delaware,	Mr. Kearney	*ay*	*ay*
	Mr. Mitchell	*ay*	
Maryland,	Mr. Roſs	*ay*)*	
Virginia,	Mr. Grayſon	*ay*	*ay*
	Mr. Madiſon	*ay*	
	Mr. R. H. Lee	*ay*	
	Mr. Carrington	*ay*	
	Mr. H. Lee	*no*	
North-Carolina,	Mr. Aſhe	*ay*	*ay*
	Mr. Burton	*ay*	
South-Carolina,	Mr. Kean	*no*	*no*
	Mr. Huger	*ay*	
	Mr. Butler	*no*	
Georgia,	Mr. Few	*no*)*.	

So the queſtion was loſt.

On motion of Mr. Smith, ſeconded by Mr. King,

Reſolved, That it be, and it is hereby recommended to the ſtate of New-York, to pay to Donald Campbell the ſum of two thouſand dollars, on account of a debt ſpeci-

fied

fied to be due to him from the United States by the resolve of the 31st day of July last, taking care that he be charged in the books of the treasury with the sum paid him by the state, and that then the said state be entitled to a credit with the United States, for the sum paid on its specie proportion of the requisitions of Congress.

Congress took into consideration the report of a committee consisting of Mr. Smith, Mr. Dane, Mr. Johnson, Mr. Carrington, and Mr. Clarke, to whom had been committed a report of the board of treasury, on a letter of the 18th of July, from capt. John Paul Jones, together with a report of the commissioner of accounts for the marine department, relative to the division of the prize money due to the officers and crew of the Bon Homme Richard, and Alliance, and the charges of capt. Jones for recovering the same.

And the report having been postponed, and the following motion made by Mr. Carrington, under consideration, viz.

"Whereas it having been represented to the United States in Congress assembled, that large sums of prize money were due in Europe to the officers and crews of the squadron commanded by capt. John Paul Jones, in the late war, and that from the circumstances under which that property was, as well as the inability of the claimants individually, to recover their respective shares, the interference of the sovereignty in their behalf had become necessary; it was, on the first of November, 1783, Resolved, that the said capt. John Paul Jones be recommended to the minister plenipotentiary of the United States, at the court of Versailles, as agent to solicit, under the direction of the said minister, for payment and satisfaction to the officers and crews, for all prizes taken in Europe under his command, and to which they were any wise entitled; and that the said capt. John Paul Jones, should receive the commissions usually allowed in such cases, out of the money which he should recover, as agent for the said prizes, in full compensation for his services and expences:" And it now appearing to Congress, that the said capt. John

John Paul Jones, did, without loſs of time, repair to France for the purpoſe of carrying into effect the objects of his appoinment, ſo far as they were within that kingdom; that finding that M. Le Ray du Chaumont, in whoſe hands the greateſt part of the ſaid prize money had been placed, had become inſolvent, he was reduced to the neceſſity of abandoning ſo much of the property as loſt, or turning his views upon the court of France, whoſe interpoſition alone could reinſtate it; that the ſaid capt. John Paul Jones did make application to, and obtain from the ſaid court, a ſettlement and payment of the prize money due from M. Chaumont. It further appearing that the ſaid capt. Jones's attendance at the court of France for obtaining this payment, has neceſſarily continued ſeveral years, and expoſed him to very great expence, without which it is probable he would not have ſucceeded; and although the terms upon which he originally undertook the negociation were for the uſual commiſſions, yet, as the buſineſs was found to ſtand upon ground materially different from that which was contemplated by either Congreſs or the ſaid capt. Jones, at the time of his appointment, it is juſt and reaſonable that the full value of the ſervices and expences which he has neceſſarily incurred for the benefit of the claimants, be deducted from the property recovered---therefore, Reſolved, that the ſaid capt. John Paul Jones, be, and hereby is authoriſed to retain in his hands, out of the prize money received from the court of France, for the officers and crews of the ſquadron under his command in the late war, the ſum of 47,972. 11 livres, which, it appears by his oath, were expended by him during his attendance at the court of France, for the purpoſe of obtaining the ſaid payment; and that this be in full for his time and expences.

A motion was made by Mr. H. Lee, ſeconded by Mr. Grayſon, to poſtpone the conſideration of the ſaid motion, in order to take up the following, viz.

That the exceſs of monies expended by the chevalier Jones, above the commiſſion allowed by the reſolution of the 1ſt November, 1783, while acting as agent, under the autho-

authority of Congrefs, for the officers and crews of his late fquadron, be paid out of the federal treafury, and that the board of treafury take order accordingly.

And on the queftion to pofpone for the purpofe abovementioned, the yeas and nays being required by Mr. Grayfon,

New-Hampfhire,	Mr. Gilman	*no*)*	
Maffachufetts,	Mr. Gorham	*no*	*no*
	Mr. King	*no*	
	Mr. Dane	*ay*	
Connecticut,	Mr. Johnfon	*no*	*no*
	Mr. Cook	*no*	
New-York,	Mr. Smith	*ay*	*dd*
	Mr. Haring	*no*	
New-Jerfey,	Mr. Cadwallader	*no*	*no*
	Mr. Clarke	*no*	
Pennfylvania,	Mr. St. Clair	*no*	*no*
	Mr. Irvine	*no*	
	Mr. Bingham	*no*	
Delaware,	Mr. Kearney	*no*	*no*
	Mr. Mitchell	*no*	
Maryland,	Mr. Rofs	*no*)*	
Virginia,	Mr. Grayfon	*ay*	*dd*
	Mr. Madifon	*no*	
	Mr. Carrington	*no*	
	Mr. H. Lee	*ay*	
North-Carolina,	Mr. Afhe	*no*	*no*
	Mr. Burton	*no*	
South-Carolina,	Mr. Kean	*no*	*no*
	Mr. Huger	*no*	
	Mr. Butler	*no*	

So it paffed in the negative.

And, on the queftion to agree to the motion of Mr. Carrington, the yeas and nays being required by Mr. Dane,

New-Hampfhire,	Mr. Gilman	*ay*)*	
Maffachufetts,	Mr. Gorham	*ay*	*ay*
	Mr. King	*ay*	
	Mr. Dane	*no*	
Connecticut,	Mr. Johnfon	*no*	*no*
	Mr. Cook	*no*	

New-York,	Mr. Smith	*no*	*no*
	Mr. Haring	*no*	
New-Jerſey,	Mr. Cadwallader	*ay*	*ay*
	Mr. Clark	*ay*	
Pennſylvania,	Mr. St. Clair	*ay*	*ay*
	Mr. Irvine	*ay*	
	Mr. Bingham	*ay*	
Delaware,	Mr. Kearney	*ay*	*ay*
	Mr. Mitchell	*ay*	
Maryland,	Mr. Roſs	*ay*	
Virginia,	Mr. Grayſon	*no*	*dd*
	Mr. Madiſon	*ay*	
	Mr. Carrington	*ay*	
	Mr. H. Lee	*no*	
North-Carolina,	Mr. Aſhe	*ay*	*ay*
	Mr. Burton	*ay*	
South-Carolina,	Mr. Kean	*ay*	*ay*
	Mr. Huger	*ay*	
	Mr. Butler	*ay*	

So the queſtion was loſt.

Congreſs then reſumed the conſideration of the report of the committee, and thereupon

Reſolved, That the quotas aſſigned to the ſeveral ſhips which were under the command of capt. John Paul Jones, in Europe, by direction of the court of France, be confirmed and conſidered as valid, and that a diſtribution of the prize money be made amongſt the crews of the ſaid ſhips, ſeparately, agreeably to ſuch quotas.

Reſolved, That the monies paid by capt. John Paul Jones, into the hands of the honorable Thomas Jefferſon, be diſtributed by the board of treaſury as ſoon as may be, among the captors, agreeably to the diviſion made thereof under the direction of the court of France.

FRIDAY, *October* 12, 1787.

Congreſs aſſembled---Preſent as yeſterday.

On a report of the board of treaſury, to whom was referred a letter from the honorable Mr. J. Adams, of the

24th

24th February laſt, together with an account of Mr. Richard Harriſon, of Cadiz,

Reſolved, That the board of treaſury take order for reimburſing to Mr. Richard Harriſon, merchant, of Cadiz, the ſum of three hundred and thirty-one dollars, and one quarter of a dollar, being the amount of his advances for the maintenance of the captain and crew of the ſhip Betſey, James Erwing, commander, whilſt detained by the Moors, and for proviſion for ſubſiſting the crew on their paſſage to America.

On a report of the board of treaſury, to whom was referred a memorial of the Canadian refugees on lake Champlain, praying for a continuance of the ſupply of public proviſions:

Reſolved, That ſuch of the aged and infirm amongſt the ſaid Canadians as may not be able to provide for the ſubſiſtence of themſelves and families, be ſupplied for the ſpace of twelve months with rations, at the public expence, (excepting the articles of rum, ſoap, and candles, agreeably to ſuch a return of perſons coming under the above deſcription, as ſhall be made to the board of treaſury by the ſecretary at war.

On motion of Mr. King, ſeconded by Mr. H. Lee,

Reſolved, That Congreſs proceed to the election of a miniſter plenipotentiary to reſide at the court of France, and that his commiſſion commence from the expiration of of the preſent commiſſion of the honorable Thomas Jefferſon, and continue in force for the term of three years, unleſs ſooner revoked by Congreſs.

Congreſs accordingly proceeded to the election, and the ballots being taken,

The honorable Thomas Jefferſon, was elected.

Congreſs reſumed the conſideration of the report of the committee, relative to Indian affairs in the northern department,

And on motion of Mr. King, ſeconded by Mr. Kean,

Reſolved, That twenty thouſand dollars be, and hereby are appropriated for the purpoſe of Indian treaties, whenever the ſame ſhall be hereafter judged neceſſary by a majority

jority of the United States in Congrefs affembled, and that the refolutions for holding a general treaty with the Indians, paffed the fifth of the prefent month, be, and they are hereby repealed.

SATURDAY, *October* 13, 1787.

Congrefs affembled---Prefent, Maffachufetts, New-York, New-Jerfey, Pennfylvania, Delaware, Virginia, North-Carolina, and South-Carolina; and from New-Hampfhire, Mr. Gilman, from Connecticut, Mr. Cook, from Maryland, Mr. Rofs, and from Georgia, Mr. Few.

On a report of the board of treafury, to whom was referred a petition of Edward Cooper and William Ballard,

Refolved, That the claim of Cooper and Ballard, of the ftate of Virginia, be referred for examination and final adjuftment, to the commiffioner of accounts for the marine department.

On a report of the fecretary for foreign affairs, to whom was referred a letter to him from the minifter of the United Netherlands, enclofing a note of the fame date, complaining of an act of the legiflature of the commonwealth of Virginia, exempting French brandies imported in French and American veffels from certain duties to which the like commodities imported in Dutch veffels are left liable, as being contrary to the 2d article in their treaty with the United States, ftipulating that they fhall be treated as the moft favored nation:

Refolved, That whenever any of thefe ftates fhall think proper to grant a favor to any foreign nation, fuch ftate ought to extend it to fuch other foreign nations, as by treaties with the United States, are to be treated as the moft favored nation.

Refolved, That a copy of the above refolution, and of the reprefentation of the minifter of the United Netherlands, be tranfmitted to the commonwealth of Virginia, to the end that the legiflature of that commonwealth may take the earlieft opportunity of revifing the act of which the faid minifter complains, and rendering the fame perfectly

fectly consistent with the treaty subsisting between the United States and the United Netherlands, and of causing to be repaid whatever extra duties may, in virtue of the said act be exacted on the brandies there imported in Dutch vessels, during the operation of the same.

MONDAY, *October* 15, 1787.

Congress assembled---Present, Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, and South-Carolina; and from New-Hampshire, Mr. Gilman, from Rhode-Island, Mr. Vernum, from Connecticut, Mr. Cook, from Maryland, Mr. Ross, and from Georgia, Mr. Few.

On motion of Mr. H. Lee, seconded by Mr. Carrington,

Resolved, That the postmaster-general be and he is hereby authorised to contract for the transportation of the mail for the year 1788, by stage carriages or horses, as he may judge most expedient and beneficial; provided that preference is given to the transportation by stages, to encourage this useful institution, when it can be done without material injury to the public, and that the mail be conveyed three times per week from the first of May to the first of November, and twice a week from the first of November to the first of May, from Portland in Massachusetts, to Suffolk in Virginia; and twice a week from the first of May to the first of November, and once a week from the first of November to the first of May, from Suffolk to Savannah in Georgia.

On motion,

Resolved, That the post-master general be, and he is hereby authorised to alter the route from Petersburgh in Virginia to Savannah in Georgia, to Augusta in Georgia; provided he may judge it beneficial and expedient, and that in case of such alteration he establish cross-posts, agreeably to the principles provided in the resolve of the 15th of February, 1787, to the commercial towns on the sea coast.

TUES-

TUESDAY, *October* 16, 1787.

Congrefs affembled---Prefent as yefterday.

On motion of Mr. H. Lee,

Refolved, That Congrefs proceed to the election of the judges for the weftern territory, and the commiffioners for fettling the accounts between the United States and the individual ftates.

Accordingly, Congrefs proceeded to the election of the judges, and the ballots being taken,

Samuel Holden Parfons, efq.

John Armftrong, jun. efq.

James Mitchell Varnum, efq. were elected.

Congrefs proceeded to the election of commiffioners, but not coming to a choice, the election was poftponed 'till the morrow.

On motion of Mr. Carrington,

Refolved unanimoufly, That a medal of gold be ftruck and prefented to the chevalier John Paul Jones, in commemoration of the valor and brilliant fervices of that officer, in the command of a fquadron of French and American fhips, under the flag and commiffion of the United States, off the coaft of Great-Britain, in the late war; and that the honorable Mr. Jefferfon, minifter plenipotentiary of the United States at the court of Verfailles, have the fame executed with the proper devices.

Refolved, That a letter be written to his moft chriftian majefty, informing him, that the United States in Congrefs affembled, have beftowed upon the chevalier John Paul Jones, this medal, as well in confideration of the diftinguifhed marks of approbation, which his majefty has been pleafed to confer upon that officer, as, from a fenfe of his merit: And, that, as it is his earneft defire to acquire greater knowledge in his profeffion, it would be acceptable to Congrefs, that his majefty, would be pleafed to permit him to embark with his fleets of evolution, convinced that he can no where elfe fo well acquire that knowledge which may hereafter render him more extenfively ufeful.

Ordered,

Ordered, That the ſecretary for foreign affairs prepare a letter for the above purpoſe, to be ſigned by the preſident; and that the chevalier Jones be the bearer of the ſaid letter.

WEDNESDAY, *October* 17, 1787.

Congreſs aſſembled--Preſent, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina, and South-Carolina; and from New-Hampſhire, Mr. Gilman, from Maſſachuſetts, Mr. Dane, from Maryland, Mr. Roſs, and from Georgia, Mr. Few.

On motion of Mr. Irvine, ſeconded by Mr. Carrington,

Reſolved, That the board of treaſury be, and they are hereby authoriſed and directed to diſpoſe of for ſpecie or public ſecurities, ſuch of the public buildings at Carliſle in Pennſylvania, as in the opinion of the ſecretary at war are no longer neceſſary to be occupied by the United States, on the beſt terms that can be obtained.

THURSDAY, *October* 18, 1787.

Six ſtates only attending, namely, New-Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina, and South-Carolina; and from New-Hampſhire, Mr. Gilman, from Rhode-Iſland, Mr. Varnum, from New-York, Mr. Haring, from Maryland, Mr. Roſs, and from Georgia, Mr. Few; the preſident adjourned Congreſs till to-morrow, eleven o'clock.

FRIDAY, *October* 19, 1787.

Six ſtates only attending as yeſterday, the preſident adjourned Congreſs till eleven o'clock to-morrow.

SATURDAY, *October* 20, 1787.

Congreſs aſſembled---Preſent, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina, and

and South-Carolina; and from New-Hampſhire, Mr. Gilman, from Maſſachuſetts, Mr. Dane, from Rhode-Iſland, Mr. Varnum, and from Georgia, Mr. Few.

On the report of a committee conſiſting of Mr. Grayſon, Mr. Clarke, and Mr. Roſs, to whom was referred a motion for a repreſentation to the ſtates of North-Carolina and Georgia, on the ſubject of ſurrendering a liberal portion of their territorial claims,

Reſolved, That it be, and it is hereby repreſented to the ſtates of North-Carolina and Georgia, that the lands which have been ceded by the other ſtates in compliance with the recommendation of this body, are now ſelling in large quantities for public ſecurities; that the deeds of ceſſion from the different ſtates have been made without annexing an expreſs condition that they ſhould not operate until the other ſtates under like circumſtances, made ſimilar ceſſions; and that Congreſs have ſuch faith in the juſtice and magnanimity of the ſtates of North-Carolina and Georgia, that they only think it neceſſary to call their attention to theſe circumſtances, not doubting but upon conſideration of the ſubject, they will feel thoſe obligations which will induce ſimilar ceſſions, and juſtify that confidence which has been placed in them.

On a report of the ſecretary of the United States for the department of foreign affairs, to whom was referred a letter of the ſecond of this preſent month October, from P. Bond, eſq. encloſing a commiſſion from his Britannic majeſty, conſtituting George Miller, eſq. his conſul and deputy commiſſary in the ſtates of North-Carolina, South-Carolina, and Georgia:

Whereas George Miller, eſq. has communicated to the United States in Congreſs aſſembled, a commiſſion in due form, bearing date the 5th day of January, 1787, from his Britannic majeſty, conſtituting him the conſul of his ſaid majeſty, in the ſtates of North-Carolina, South-Carolina, and Georgia; and although no commercial treaty or convention ſubſiſts between his majeſty and the United States, whereby either have a perfect right to eſtabliſh conſuls or commiſſaries in the dominions of the other, yet,

as

as the United States are disposed, by every proper mark of liberality and attention, to promote a good correspondence between the two countries, and particularly as amicable negociations are now depending between them,--therefore,

Resolved, That the said George Miller be, and he is hereby received and recognized as the consul of his Britannic majesty, throughout the states of North-Carolina, South-Carolina, and Georgia, and that his commission be recorded in the secretary's office.

Resolved, That all the privileges, pre-eminences and authority which the laws of nations and of the land give a consul received by the United States, from any nation with whom they have no commercial treaty or convention, are due, and shall be enjoyed by the said George Miller, as consul for the three states above-mentioned, and that certified copies of these resolutions be transmitted to the executives thereof for their information.

On motion of Mr. Kean, seconded by Mr. H. Lee,

Ordered, That the secretary of Congress report the form of a commission for the governor, the secretary, and the judges of the western territory.

On motion of Mr. Carrington, seconded by Mr. Irvine,

Resolved, That the post-master general be, and he is hereby authorised and instructed to alter the present rates of postage so as to reduce them as nearly twenty-five per centum, as will consist with the present mode of calculating penny-weights and grains of silver, in order to reduce them to the currencies of the several states, and that he make the necessary arrangements so that the new rates may take place on the fifth day of April next.

And whereas large packets would frequently be sent by post, if a proportionably less rate of postage were charged for them than for letters,

Resolved, That the post-master general be, and he hereby is authorised to fix such rates per pound weight, for the carriage of such packets as he may judge will be most likely to induce persons to send such by post.

MON-

MONDAY, *October* 22, 1787.

Congrefs affembled---Prefent as before.

On the report of a committee confifting of Mr. Carrington, Mr. King, Mr. Dane, Mr. Madifon, and Mr. Cook, to whom was referred a letter of the fecretary at war, of the 26th of April laft,

Refolved, That a million of acres of land, to be bounded eaft by the feventh range of townfhips, fouth by the land contracted for by Cutler and Sargent, and to extend north as far as the ranges of townfhips, and weftward fo far as to include the above quantity; alfo, a tract to be bounded as follows, beginning at the mouth of the river Ohio, thence up the Miffifippi to the river Au Vaufe; thence up the fame until it meets a weft line from the mouth of the little Wabafh; thence eafterly with the faid weft line to the great Wabafh; thence down the fame to the Ohio, and thence with the Ohio to the place of beginning, be referved and fet apart for the purpofe of fatisfying the military bounties due to the late army, and that no locations, other than for the faid bounties, be permitted within the faid tract, until they fhall be fully fatisfied.

That the fecretary at war take meafures for afcertaining the exifting claims for fuch bounties, and that the geographer proceed to have the fame furveyed under the direction of the fecretary at war, agreeably to the terms upon which they have been promifed.

On motion of Mr. H. Lee, feconded by Mr. Irwine,

Refolved, That the governor of the weftern territory be, and he is hereby empowered to hold a general treaty with the adjacent Indian tribes in the enfuing fpring, if in his judgment the public good requires it, and that he be authorifed to draw for fuch fums of the money appropriated by the refolve of Congrefs of the 12th inft. as may be neceffary to effect this object, not exceeding in the whole the fum of fourteen thoufand dollars.

TUESDAY, *October* 23, 1787.

Congrefs affembled---Prefent as before.

On

On motion of Mr. Dane, seconded by Mr. H. Lee,

Resolved, That the board of treasury be directed to defend the suit of Colbreath and others, against A. Lee and others, late commissioners for treating with the Indian nations.

On the report of a commitee, consisting of Mr. Kean, Mr. Clark and Mr. Grayson, to whom were referred draughts of commissions, for the governor, the secretary, and the judges, of the territory of the United States, north-west of the river Ohio,

Resolved, That the following forms be adopted.

FOR THE GOVERNOR.

The United States in Congress assembled, to A. S. Esq.

WE, reposing special trust and confidence in your integrity, prudence and ability, have constituted and appointed, and by these presents, do constitute and appoint you the said A. S. governor, in, and over the territory of the United States of America, north-west of the river Ohio, and commander in chief of the militia therein; to order, rule, and govern the same, conformably to the ordinance of the 13th July, 1787, entitled "An ordinance, for the government of the territory of the United States, north-west of the river Ohio," which is hereto affixed: And we do hereby, give, and grant, to you, the said A. S. all the powers, authorities, and prerogatives assigned to the governor of the said territory, in, and by the said ordinance. And we do strictly enjoin all persons to pay due obedience to this our commission. This commission to take effect, from the first day of February, 1788, and to continue in force, for the term of three years, thereafter, unless sooner revoked by Congress. In testimony, &c.

FOR THE SECRETARY.

The United States in Congress assembled, to W. S. Esq.

WE, reposing special trust and confidence in your fidelity, diligence and integrity, have constituted and appointed, and, by these presents, do constitute and appoint, you, the said W. S. secretary, in, and for the territory of the United States north-west of the river Ohio, to execute and perf-

perform all the duties directed by the ordinance of the 13th July, 1787, entitled, "An ordinance for the government of the territory of the United States north-weſt of the river Ohio," which is hereto annexed; giving to you the ſaid W. S. all the powers and authorities aſſigned to the ſecretary of the ſaid territory in and by the ordinance aforeſaid, and we do enjoin all perſons to pay due obedience to this our commiſſion. This commiſſion to take effect from the firſt day of February, 1788, and to continue in force for the term of four years thereafter, unleſs ſooner revoked by Congreſs. In teſtimony, &c.

FOR THE JUDGES.

The United States in Congreſs aſſembled to

WE, repoſing ſpecial truſt and confidence in your wiſdom, uprightneſs and integrity, have conſtituted and appointed, and by theſe preſents do conſtitute and appoint you the ſaid one of the judges in and over the territory of the United States north-weſt of the river Ohio, with full power and authority, in conjunction with one or more of the judges of the ſaid territory, to form a court, with all the powers and authorities incident to a court having a common law juriſdiction, and to exerciſe all ſuch powers, and perform and execute all the duties directed by the ordinance of the 13th July, 1787, entitled, "An ordinance for the government of the territory of the United States north-weſt of the river Ohio," which is hereto affixed; giving to you the ſaid all the powers and authorities aſſigned to a judge of the ſaid territory in and by the ordinance aforeſaid; and we do enjoin all perſons to pay due obedience to this our commiſſion. This commiſſion to continue and be in force during good behaviour, or during the exiſtence of the government eſtabliſhed by the ordinance aforeſaid; you reſiding within the ſaid territory. In teſtimony, &c.

On motion of Mr. Kean, ſeconded by Mr. H. Lee,

Reſolved, That the board of treaſury be, and they are hereby authoriſed and empowered to enter into contracts in behalf of the United States, with any perſon or perſons for

for any quantity of land in the weſtern territory, the Indian rights whereon have been extinguiſhed, not leſs than one million of acres in one body, upon the ſame terms, as it reſpects price, payment and ſurveying, with thoſe directed in the contract with M. Cutler, and W. Sargent, on the 23d and 27th of July laſt; provided that no tract contracted for ſhall have a front on the Ohio, Miſſiſippi, Wabaſh or Illionois rivers exceeding one third of its depth from the ſaid rivers; and provided that no gift of land be made for ſeminaries of learning or other purpoſe than thoſe contained in the ordinance of the 20th May, 1785, except the quantity contained in any one contract ſhall contain a quantity greater or equal to the afore-mentioned contract of Cutler and Sargent, and that the ſaid contract ſhall be in a ſtate as deſcribed by the fifth article of the ordinance for the government of the territory of the United States, north-weſt of the river Ohio, paſſed the 13th of July, 1787, other than that wherein the contract of the ſaid Cutler and Sargent is.

When the foregoing reſolution was under debate, a motion was made by Mr. Grayſon, ſeconded by Mr. Cadwallader, to poſtpone the conſideration thereof in order to take up the following, viz. "That the board of treaſury be authoriſed to enter into contracts with any perſon or perſons for any quantity of land in the weſtern territory, the Indian titles whereof have been extinguiſhed, not leſs than one million of acres on ſimilar terms and principles with thoſe of the contracts heretofore entered into; provided that no tract of land thus contracted for, ſhall have a front on the Ohio, Miami, Wabaſh, or Miſſiſippi, exceeding one third of its depth from the ſaid rivers reſpectively."

And on the queſtion to poſtpone for the purpoſe abovementioned, the yeas and nays being required by Mr. Grayſon,

New-Hampſhire,	Mr. Gilman	*ay*)*
Maſſachuſetts,	Mr. Dane	*ay*)*
Rhode-Iſland,	Mr. Varnum	*ay*)*

New-

New-York,	Mr. Haring	no	no
	Mr. Smith	no	
New-Jerſey,	Mr. Cadwallader	ay	dd
	Mr. Clarke	no	
Pennſylvania,	Mr. St. Clair	no	no
	Mr. Irvine	no	
	Mr. Armſtrong	no	
Delaware,	Mr. Kearney	no	dd
	Mr. Mitchell	ay	
Virginia,	Mr. Grayſon	ay	ay
	Mr. Madiſon	ay	
	Mr. R. H. Lee	ay	
	Mr. Carrington	ay	
North-Carolina,	Mr. Aſhe	ay	ay
	Mr. Burton	ay	
South-Carolina,	Mr. Kean	no	dd
	Mr. Huger	ay	

So the queſtion was loſt.

WEDNESDAY, *October* 24, 1787.

Congreſs aſſembled---Preſent as before.

THURSDAY, *October* 25, 1787.

Congreſs aſſembled---Preſent as before.

On a report of the board of treaſury, to whom was referred a memorial of James Smith,

Reſolved, That the commiſſioner for ſettling the accounts in the late commiſſary's department, be directed to aſcertain the intereſt on the balance of principal by him found due to James Smith on the 24th November, 1784, from the time the ſaid balance became due, to the 11th October, 1786, and to iſſue his certificate for the amount thereof in the uſual form.

On motion of Mr. Smith in behalf of the committee to whom was referred a memorial of Baron Steuben,

Ordered, That the ſecretary of Congreſs write to general

neral Washington for a copy of the papers enclosed in Mr. president Laurens's letter of the 19th February, 1778, marked "committee's conference with Baron Steuben."

Application being made by J. M. Pintard, praying that sea letters be granted respectively for the ship General Washington, burden 350 tons, now fitting out at Providence in the state of Rhode-Island, and owned by messrs. Brown, Francis, and Pintard; and for the ship Jay, now fitting out in the port of New-York, owned by citizens of the United States, and bound for India:

On motion of Mr. Smith, seconded by Mr. Clarke,

Resolved, That sea letters in the usual form be granted for the said vessels.

FRIDAY, *October* 26, 1787.

Congress assembled---Present, the seven states as before, and from New-Hampshire, Mr. Gilman, and from Massachusetts, Mr. Dane.

On a report of the board of treasury, to whom was referred a memorial of Silvanus Townsend, Amos Underhill, and John Butler,

Resolved, That the commissioner for settling the accounts of the commissary general's department be authorised and directed to liquidate the claim of Silvanus Townsend, Amos Underhill and John Butler, against the United States, for a quantity of flour by them sold and delivered to Daniel Gray, late a purchasing commissary in the service of the United States, in the year 1776, the claimants attesting to the same in the manner in such cases usual, and to issue his certificate for the same; and that the amount of the sum so liquidated be charged to the said Daniel Gray.

On the report of a committee consisting of Mr. Kean, Mr. Clarke, and Mr. Grayson, to whom was referred a motion of Mr. H. Lee, with directions to report instructions for holding treaties with the northern and southern Indians,

Resolved, That the executive, or legislature if they be in

in ſeſſion, in the ſtates of North-Carolina, South-Carolina, and Georgia, be and they are hereby authoriſed to appoint, each of them, one commiſſioner; who ſhall, in conjunction with the ſuperintendant of Indian affairs for the ſouthern department, or in his abſence, by themſelves negociate a treaty for the eſtabliſhing peace between the United States and the tribes of Indians in the ſouthern department; and any two of the commiſſioners to be appointed as aforeſaid, in conjunction with the ſuperintendant, or in caſe of the abſence of the ſuperintendant, any two of the ſaid commiſſioners agreeing, their deciſion ſhall be final and concluſive; and that the ſaid commiſſioners ſhall each be allowed five dollars a day for the time they ſhall be employed in that buſineſs, in full for their ſervices and expences, excluſive of their expences at the place or places where the treaties ſhall be held.

That the ſum of ſix thouſand dollars, being a part of the ſum appropriated by the reſolution of the twelfth of the preſent month, for holding Indian treaties, in addition to the goods in the hands of the former commiſſioners, for holding a treaty with the ſouthern Indians, be applied to holding the ſaid treaty, at ſuch time and ſuch places, as ſhall be appointed by the ſuperintendant of Indian affairs, for the ſouthern department, in conjunction with the executive of the ſtate of North-Carolina, for the treaty with the Cherokees, and with the executive of Georgia, for that with the Creek nation; or, in caſe of the abſence of the ſuperintendant, then the time and place to be appointed by the executive of each ſtate, in manner aforeſaid. The aforeſaid ſum to be in full for all charges, of whatſoever nature they may be, relative to the ſaid treaty, including the pay of the commiſſioners and militia; And, that the ſtates of North-Carolina, South-Carolina and Georgia, be called on, to furniſh the aforeſaid ſum in equal proportions, to be credited on requiſitions of Congreſs.

That the commiſſioners aforeſaid, be, and they hereby are authoriſed to apply to the ſtates of North-Carolina, South-Carolina and Georgia, for any number of men, not exceed-

ing one hundred of their militia, for the purpoſe of guarding and protecting the ſtores and goods neceſſary for carrying on the ſaid treaty.

Reſolved, That if under the authority given the 22d day of the preſent month, to the governor of the territory of the United States north-weſt of the river Ohio, he ſhall think it expedient to hold a treaty with the Indian tribes in the northern department, he ſhall apply to the commanding officer of the troops of the United States for ſuch a number of men as he may deem proper for guarding and protecting the ſtores and goods neceſſary for holding the ſaid treaty; and the commanding officer of the troops of the United States ſhall cauſe the ſaid number of men to be marched to ſuch place, and at ſuch time as ſhall be directed by the governor.

On motion of Mr. Dane, ſeconded by Mr. R. H. Lee,

Ordered, That the ſecretary of Congreſs inform the chevalier J. P. Jones, that the buſineſs relative to the prizes taken during the late war and ſent to Denmark, is put under the management of the honorable Mr. Jefferſon, miniſter of the United States at the court of Verſailles, and that he furniſh Mr. Jones with a copy of ſuch part of the reſolutions paſſed yeſterday as reſpects the appointment of an agent by Mr. Jefferſon, relative to the ſaid prizes.

On motion of Mr. Few, ſeconded by Mr. Carrington,

Ordered, That the ſecretary of the United States for the department of foreign affairs, tranſmit one of the copper medals ſtruck in honor of general Greene, to each of the ſaid general's aids, who acted during his command in the ſouthern department.

SATURDAY, *October* 27, 1787.

Congreſs aſſembled---Preſent as before.

On motion of Mr. Clarke, ſeconded by Mr. Kearney,

Reſolved, That in caſe the governor of the weſtern territory ſhall find it neceſſary to hold a treaty with the Indians

dians, as empowered by the resolution of the 22d inst. he conduct the same in conjunction with the superintendant of Indian affairs in the northern department, unless the attendance of the said superintendant shall be prevented by any unforeseen event.

MONDAY, *October* 29, 1787.

Five states assembled, namely, New-York, New-Jersey, Pennsylvania, Virginia, and North-Carolina; and from New-Hampshire, Mr. Gilman, and from South-Carolina, Mr. Huger.

TUESDAY, *October* 30, 1787.

Four states assembled.

The remainder of the week no house was formed.

APPENDIX.

POWERS to the BOARD of TREASURY to Contract for the Sale of WESTERN TERRITORY.

THE report of a committee consisting of Mr. Carrington, Mr. King, Mr. Dane, Mr. Madison, and Mr. Benson, amended to read as follows, viz.

That the board of treasury be authorised and empowered to contract with any person or persons for a grant of a tract of land which shall be bounded by the Ohio, from the mouth of Scioto to the intersection of the western boundary of the seventh range of townships now surveying; thence by the said boundary to the northern boundary of the tenth township from the Ohio; thence by a due west line to Scioto; thence by the Scioto to the beginning, upon the following terms, viz. The tract to be surveyed and its contents ascertained by the geographer or some other officer of the United States, who shall plainly mark the said east and west line, and shall render one complete plat to the board of treasury, and another to the purchaser or purchasers. The purchaser or purchasers, within seven years from the completion of this work, to lay off the whole tract at their own expence, into townships and fractional parts of townships, and to divide the same into lots, according to the land ordinance of the 20th of May, 1785; complete returns whereof to be made to the treasury board. The lot No. 16, in each township or fractional part of a township, to be given perpetually for the purposes contained in the said ordinance. The lot No. 29, in each township or fractional part of a township, to be given perpetually for the purposes of religion. The lots No. 8, 11, and 26, in each township or fractional part of a township, to be reserved for the future disposition of Congress. Not more than two complete townships to be given perpetually for the purposes of an university,

verſity, to be laid off by the purchaſer or purchaſers, as near the centre as may be, ſo that the ſame ſhall be of good land, to be applied to the intended object by the legiſlature of the ſtate. The price to be not leſs than one dollar per acre for the contents of the ſaid tract, excepting the reſervations and gifts aforeſaid, payable in ſpecie, loan-office certificates reduced to ſpecie value, or certificates of liquidated debts of the United States, liable to a reduction by an allowance for bad land, and all incidental charges and circumſtances whatever; provided that ſuch allowance ſhall not exceed in the whole, one third of a dollar per acre. And in making payment the principal only of the ſaid certificates ſhall be admitted, and the board of treaſury, for ſuch intereſt as may be due on the certificates rendered in payment as aforeſaid, prior to January 1, 1786, ſhall iſſue indents for intereſt to the poſſeſſors, which ſhall be receiveable in payment as other indents for intereſt of the exiſting requiſitions of Congreſs; and for ſuch intereſt as may be due on the ſaid certificates between that period and the period of payment, the ſaid board ſhall iſſue indents, the payment of which to be provided for in future requiſitions or otherwiſe. Such of the purchaſers as may poſſeſs rights for bounties of land to the late army, to be permitted to render the ſame in diſcharge of the contract, acre for acre; provided that the aggregate of ſuch rights ſhall not exceed one ſeventh part of the land to be paid for, and provided alſo that there ſhall be no future claim againſt the United States on account of the ſaid rights. Not leſs than 500,000 dollars of the purchaſe money to be paid down upon cloſing of the contract, and the remainder upon the completion of the work to be performed by the geographer or other officer on the part of the United States. Good and ſufficient ſecurity to be given by the purchaſer or purchaſers for the completion of the contract on his or their part. The grant to be made upon the full payment of the conſideration money, and a right of entry and occupancy to be acquired immediately for ſo much of the tract as ſhall be agreed upon between the board of treaſury and the purchaſers.

JULY 23, 1787.

Ordered, That the above be referred to the board of treaſury to take order. [COPY.]

[COPY.]

New-York, July 26, 1787.

Gentlemen,

WE obſerve by the act of the 23d inſt. that your honorable board is authoriſed to enter into a contract for the ſale of a tract of land therein deſcribed, on certain conditions expreſſed in the act. As we ſuppoſe this meaſure has been adopted in conſequence of propoſals made by us, in behalf of ourſelves and aſſociates, to a committee of Congreſs, we beg leave to inform you, that we are ready to enter into a contract for the purchaſe of the lands deſcribed in the act; provided you can conceive yourſelves authoriſed to admit of the following conditions, which in ſome degree vary from the report of the committee, viz.

The ſubordinate ſurveys ſhall be compleated as mentioned in the act, unleſs the frequency of Indian irruptions may render the ſame impracticable without an heavy expence to the company.

The mode of payment we propoſe, is half a million of dollars when the contract is executed; another half million when the tract as deſcribed is ſurveyed by the proper officer of the United States; and the remainder in ſix equal payments, computed from the date of the ſecond payment.

The lands aſſigned for the eſtabliſhment of a univerſity to be nearly as poſſible in the centre of the firſt million and half of acres we ſhall pay for; for, to fix it in the centre of the propoſed purchaſe, might too long defer the eſtabliſhment.

When the ſecond payment is made, the purchaſers ſhall receive a deed for as great a quantity of land as a million of dollars will pay for, at the price agreed on; after which we will agree not to receive any further deeds for any of the lands purchaſed, only at ſuch periods, and on ſuch conditions as may be agreed on betwixt the board and the purchaſers.

As to the ſecurity, which the act ſays ſhall be good and ſufficient, we are unable to determine what thoſe terms may mean in the contemplation of Congreſs, or of your

hono-

honorable board; we ſhall therefore only obſerve that our private fortunes, and that of moſt of our aſſociates being embarked in the ſupport of the purchaſe, it is not poſſible for us to offer any adequate ſecurity but that of the land itſelf, as is uſual in great land purchaſes.

We will agree ſo to regulate the contract, that we ſhall never be entitled to a right of entry or occupancy, but on lands actually paid for, nor receive any deeds till our payments amount to a million of dollars, and then only in proportion to ſuch payment. The advance we ſhall always be under without any formal deed, together with the improvements made on the lands, will, we preſume, be ample ſecurity, even if it was not the intereſt as well as the diſpoſition of the company, to lay the foundation of their eſtabliſhment on a ſacred regard to the rights of property.

If theſe terms are admitted, we ſhall be ready to conclude the contract.

We have the honor to be, with the greateſt reſpect, for ourſelves and aſſociates, gentlemen, your obedient humble ſervants,

(*Signed*) MANH. CUTLER.
WINTHROP SARGENT.

The honorable the Board of Treaſury.

Compared with the original in the office of the board of treaſury,

(*Signed*) WM. DUER, *Sec'ry.*

JULY, 27, 1787.

Ordered, That the above letter from Manh. Cutler, and Winthrop Sargent, to the board of treaſury, containing propoſals for the purchaſe of a tract of land, deſcribed in the act of Congreſs of the 23d inſt. be referred to the board of treaſury to take order; provided that after the date of the ſecond payment therein propoſed to be made, the reſidue ſhall be paid in ſix equal and half yearly inſtalments, until the whole thereof ſhall be compleated, and that the purchaſers ſtipulate to pay intereſt on the ſums due from the completion of the ſurvey to be performed by the geographer.

A mo-

A motion being made in the words following:

"Whereas the United States in Congreſs aſſembled have by their ordinance, paſſed the 20th of May, 1785, among other things ordained, that the towns of Gnadenhutten, Schoenbrun, and Salem, on the Muskingum, and ſo much of the lands adjoining to the ſaid towns with the buildings and improvements thereon, ſhall be reſerved for the ſole uſe of the chriſtian Indians who were formerly ſettled there, or the remains of that ſociety, as may, in the judgment of the geographer be ſufficient for them to cultivate."

Reſolved, That the board of treaſury except and reſerve out of any contract that they may make for the tract deſcribed in the report of the committee which on the 23d inſt. was referred to the ſaid board to take order, a quantity of land around and adjoining each of the before-mentioned towns, amounting in the whole to ten thouſand acres; and that the property of the ſaid reſerved land be veſted in the Moravian brethren, at Bethlehem in Pennſylvania, or a ſociety of the ſaid brethren, for civilizing the Indians and promoting chriſtianity, in truſt, and for the uſes expreſſed as above in the ſaid ordinance; including Killbuck and his deſcendants, and the nephew and deſcendants of the late captain White-Eyes, Delaware chiefs, who have diſtinguiſhed themſelves as friends to the cauſe of America."

Ordered, That the above be alſo referred to the board of treaſury to take order.

To His Excellency the PRESIDENT *of* CONGRESS.

The PETITION of *John Cleves Symmes*, of New-Jerſey, *Sheweth*,

THAT your petitioner, encouraged by the reſolutions of Congreſs of the 23d and 27th of July laſt, ſtipulating the condition of a transfer of federal lands on the Scioto and Muskingum rivers, unto Winthrop Sargent, and Manaſſeh Cutler, eſqrs. and their aſſociates, of New-England, is induced, on behalf of the citizens of the United States,

States, weſtward of Connecticut, who alſo wiſh to become purchaſers of federal lands, to pray that the honorable the Congreſs will be pleaſed to direct that a contract be made by the honorable the commiſſioners of the treaſury board, with your petitioner, for himſelf and his aſſociates, in all reſpects ſimilar, in form and matter, to the ſaid grant made to Meſſrs. Sargent and Cutler, differing only in quantity and place where, and inſtead of two townſhips for the uſe of an univerſity, that one only be aſſigned for the benefit of an academy.

That by ſuch transfer to your petitioner and his aſſociates, on their complying with the terms of ſale, the fee may paſs of all the lands, lying within the following limits, viz. Beginning at the mouth of the great Miami river, thence running up the Ohio, to the mouth of the little Miami river, thence up the main ſtream of the little Miami river, to the place where a due weſt line, to be continued from the weſtern termination of the northern boundary line of the grant to Meſſrs. Sargent, Cutler and company, ſhall interſect the ſaid little Miami river, thence due weſt, continuing the ſaid weſtern line, to the place where the ſaid line ſhall interſect the main branch or ſtream, of the great Miami river, thence down the great Miami, to the place of beginning.

JOHN C. SYMMES.

New-York, 29th Auguſt, 1787.

OCTOBER 2, 1787.

Ordered, That the above petition be referred to the board of treaſury, to take order.

THE ſubſcribers, for themſelves and aſſociates, with great humility, propoſe to the United States, to contract for the purchaſe of the two following tracts of land, viz.

A tract of country, beginning at the junction of the little Wabaſh river, and running due weſt, ſixty miles, thence due north, thirty miles, or to ſuch diſtance, as a due eaſt courſe will interſect the Wabaſh river, at the mouth of the White river, and continuing the ſame courſe, forty miles

miles due eaſt of the Wabaſh, thence due ſouth, to the river Ohio, thence down the ſame, along the different courſes thereof, to the mouth of the Wabaſh, thence up the Wabaſh to the place of beginning at the mouth of the aforeſaid little Wabaſh, ſo as to include two millions of acres.

Alſo a tract of country beginning at Cape Au Gras, on the eaſt bank of the Miſſiſippi, and running due north ſixty miles, thence due eaſt fifty miles, or until this courſe interſects the Illionois river; thence due ſouth ſixty-five miles, or to ſuch diſtance as a due weſt courſe will reach the Miſſiſippi, at the ſouth ſide of the mouth of Wood river; thence up the different courſes of the Miſſiſippi, including all the iſlands near the eaſtern ſide of it, to the place of beginning at the aforeſaid cape of Au Gras, ſo as to include one million of acres.

The terms of payment to be the ſame as agreed to by Congreſs on the application of John C. Symmes, of the 29th of Auguſt, 1787, with this exception, that in conſideration of the propoſers undertaking for themſelves and aſſociates, to make the neceſſary advances for the purchaſe of the Indian right of the ſaid deſcribed tracts in the name and behalf, and under the authority and regulations of the United States, they ſhall have an allowance in the ſaid contract of four compleat townſhips, in full compenſation of all their trouble and expences on this account; and likewiſe that the payment of the firſt proportionate inſtalment ſhall only take place at the expiration of nine months after the purchaſe of the Indian right is effected, and notified to the United States in Congreſs.

(*Signed*) ROYAL FLINT, } for themſelves
JOs. PARKER, } and aſſociates.

New-York, October 18, 1787.

The board of treaſury, to whom was referred the above propoſal of Royal Flint and Joſeph Parker, relative to the purchaſe of certain tracts of the weſtern territory, report, That

That the ſaid propoſal is founded on the ſame principles as have been agreed to by Congreſs on the contracts of Meſſrs. Cutler and Sargent, and Mr. John C. Symmes, with theſe exceptions, viz. That the propoſers offer on their part, and on their own advance, (to be hereafter compenſated) to extinguiſh the Indian claim to the tracts which they propoſe to purchaſe; and that the proportionate inſtalments on the reſpective tracts ſhould only be paid at nine months after the notification of the ſaid Indian purchaſe being compleated.

On the matter in reference, the board are of opinion, that if Congreſs ſhould agree to the ſale of the tracts deſcribed in the memorial, that it would be proper that the United States ſhould extinguiſh the Indian claims to the ſaid deſcribed tracts, ſhould any exiſt.

That it would be further proper that the firſt proportionate payments on the reſpective tracts, ſhould be made whenever the ſeveral contracts for the ſame ſhould be compleated, as in the caſe of other contracts; and that nothing in the ſaid grants ſhould affect any claims of individuals, which have been ſecured to them by the act of ceſſion of the ſtate of Virginia, or any act of Congreſs.

OCTOBER 22, 1787.

Reſolved, That Congreſs agree to the above report, and that it, together with the propoſal of Royal Flint, and Joſeph Parker, be referred back to the board of treaſury to take order.

CONTRACTS for MONIES borrowed in Europe.

The UNITED STATES *in* CONGRESS *aſſembled, to* ALL *who ſhall ſee theſe preſents, ſend greeting.*

WHEREAS Benjamin Franklin, our miniſter plenipotentiary at the court of Verſailles, in purſuance of the powers in him veſted, did, on the ſixteenth day of July, in the year of our Lord one thouſand ſeven hundred and eighty-

eighty-two, with Charles Gravier de Vergennes, &c. counſellor of the king in all his councils, commander of his orders, miniſter and ſecretary of ſtate, &c. veſted with full powers of his moſt chriſtian majeſty for the purpoſe, enter into, conclude and ſign a contract between his moſt chriſtian majeſty and the United States of North-America, in the words following, to wit.

A contract between the king and the Thirteen United States of North-America, entered into by the count de Vergennes and Mr. Franklin, 16th July, 1782:

The king having been pleaſed to attend to the requeſts made to him in the name, and on behalf of the United Provinces of North-America, for aſſiſtance in the war and invaſion under which they had for ſeveral years groaned, and his majeſty, after entering into a treaty of amity and commerce with the ſaid confederated provinces on the 6th of February, 1778, having had the goodneſs to ſupport them, not only with his forces by land and ſea, but alſo with advances of money, as abundant as they were effectual in the critical ſituation to which their affairs were reduced. It has been judged proper and neceſſary to ſtate exactly the amount of thoſe advances, the conditions on which the king made them; the periods at which the Congreſs of the United States have engaged to repay them to his majeſty's royal treaſury, and in fine, to ſtate this matter in ſuch a way as for the future to prevent all difficulties capable of interrupting the good harmony which his majeſty is reſolved to maintain and preſerve between him and the ſaid United States. For executing ſo laudable a purpoſe, and with a view to ſtrengthen the bands of amity and commerce which ſubſiſt between his majeſty and the ſaid United States, WE, Charles Gravier de Vergennes, &c. counſellor of the king in all his councils, commander of his orders, miniſter and ſecretary of ſtate, and of his commands and finances, veſted with full powers of his majeſty to us given for this purpoſe; and WE, Benjamin Franklin, miniſter plenipotentiary of the United States of North America, in like manner veſted with full powers of the Congreſs of the ſaid ſtates, for the

the prefent purpofe, after duly communicating our refpective powers have agreed to the following articles:

ARTICLE I.

IT is agreed and certified, that the fums advanced by his majefty to the Congrefs of the United States, under the title of a loan in the years 1778, 1779, 1780, 1781, and the prefent 1782, amount to the fum of eighteen millions of livres, money of France, according to the following twenty-one receipts of the above-mentioned under-written minifter of Congrefs, given in virtue of his full powers, to wit.

1.	28	February,	1778,	750,000	
2.	19	May,	Ditto,	750,000	
3.	3	Auguft,	Ditto,	750,000	
4.	1	Novemr.	Ditto,	750,000	
					3,000,000
5.	10	June	1779,	250,000	
6.	16	Septemr,	Ditto,	250,000	
7.	4	October,	Ditto,	250,000	
8.	21	Decemr.	Ditto,	250,000	
					1,000,000
9.	29	February,	1780,	750,000	
10.	23	May,	Ditto,	750,000	
11.	21	June,	Ditto,	750,000	
12.	5	October,	Ditto,	750,000	
13.	27	Novemr.	Ditto,	1,000,000	
					4,000,000
14.	15	February,	1781,	750,000	
15.	15	May,	Ditto,	750,000	
16.	15	Auguft,	Ditto,	750,000	
17.	1	Auguft,	Ditto,	1,000,000	
18.	15	Novemr.	Ditto,	750,000	
					4,000,000
19.	10	April,	1782,	1,500,000	
20.	1	July,	Ditto,	1,500,000	
21.	5	Ditto.	Ditto,	3,000,000	
					6,000,000
Amounting in the whole to eighteen millions, viz.					18,000,000

By

By which receipts the ſaid miniſter has promiſed in the name of Congreſs, and in behalf of the Thirteen United States, to cauſe to be paid and reimburſed to the royal treaſury of his majeſty, on the firſt of January, 1788, at the houſe of his grand banker at Paris, the ſaid ſum of eighteen millions, money of France, with intereſt at five per cent. per annum.

ARTICLE II.

Conſidering that the payment of ſo large a capital, at the one ſtipulated period, the 1ſt of January, 1788, may greatly injure the finances of the Congreſs of the United States, and it may perhaps be even impracticable on that footing, his majeſty has been pleaſed for that reaſon to recede in that reſpect from the tenor of the receipts which the miniſter of Congreſs has given for the eighteen millions livres Tournois, mentioned in the foregoing article, and has conſented that the payment of the capital in ready money, at the royal treaſury, be in twelve equal payments of 1,500,000 livres each, and in twelve years, only to commence from the third year after a peace.

ARTICLE III.

Although the receipts of the miniſter of the Congreſs of the United States, ſpecify that the eighteen millions of livres above-mentioned are to be paid at the royal treaſury, with intereſt at five per cent. per annum, his majeſty being willing to give the ſaid United States a new proof of his affection and friendſhip, has been pleaſed to make a preſent of, and to forgive the whole arrears of intereſt to this day, and from thence to the day of the date of the treaty of peace; a favor which the miniſter of the Congreſs of the United States acknowledges to flow from the pure bounty of the king, and which he accepts in the name of the ſaid United States, with profound and lively acknowledgements.

ARTICLE IV.

The payment of the ſaid eighteen millions of livres Tournois, ſhall be in ready money, at the royal treaſury of his

his majeſty at Paris, in twelve equal parts, and at the terms ſtipulated in the above ſecond article. The intereſt of the ſaid ſum, at five per cent. per annum, ſhall commence with the date of the treaty of peace, and ſhall be paid at every period of the partial payments of the capital, and ſhall diminiſh in proportion with the payments. The Congreſs of the ſaid United States being left, however, at liberty to free themſelves ſooner from this obligation by anticipated payments, in caſe the ſtate of their finances will admit.

ARTICLE V.

Although the loan of five millions of florins, of Holland, agreed to by the ſtates general of the United Provinces of the Netherlands, on the terms of the obligation paſſed on the 5th of November, 1781, between his majeſty and the ſaid ſtates general, has been made in his majeſty's name and guaranteed by him, it is nevertheleſs acknowledged by theſe preſents, that the ſaid loan was made in reality on account and for the ſervice of the United States of North America, and that the capital, amounting at a moderate valuation to the ſum of ten millions livres Tournois, has been paid to the ſaid United States, agreeably to a receipt for the payment of the ſaid ſum, given by the under-ſigned miniſter of Congreſs, of the ſeventh day of June laſt.

ARTICLE VI.

By the convention of the ſaid 5th day of November, 1781, the king has been pleaſed to promiſe, and engage to furniſh and pay at the general counter of the ſtates general of the Netherlands, the capital of the ſaid loan, with the intereſt at four per cent. per annum, without any charge or deduction whatever to the lenders; ſo that the ſaid capital ſhall be wholly repaid after the ſpace of five years, the payments to be made in ten equal periods, the firſt of which to commence the ſixth year from the date of the loan, and afterwards from year to year, to the final payment of the ſaid ſum. But it is in like manner acknow-

acknowledged by this act, that this engagement was entered into by the king, at the request of the under-signed minister of the United States, and on the promise by him made in the name of Congress, and on behalf of the Thirteen United States, to cause to be reimbursed and paid at the royal treasury of his majesty at Paris, the capital, interest, and cost of the said loan, according to the conditions and terms fixed by the said convention of the 5th of November, 1781.

ARTICLE VII.

It is accordingly agreed and settled, that the sum of ten millions livres Tournois, being by a moderate computation, the principal of the loan of five millions of Holland florins above-mentioned, shall be reimbursed and paid in ready money at the royal treasury of his majesty, at Paris, with the interest at four per cent. per annum, in ten equal payments of one million each, and in ten terms, the first of which shall be on the 5th of November, 1787, the second the 5th of November, 1788, and so from year to year 'till the final payment of the said sum of ten millions; the interest lessening in proportion with the partial payments of the capital. But in consequence of the king's affection for the United States, his majesty has been pleased to charge himself with the expence of commissions and bank for the said loan, of which expences his majesty has made a present to the United States; and this their under-signed minister accepts with thanks in the name of Congress, as a new proof of his majesty's generosity and friendship for the said United States.

ARTICLE VIII.

With regard to the interest of the said loan, during the five years preceding the first term of payment of the capital, as the king has engaged to pay it at the general counter of the states general of the Netherlands, at the rate of four per cent. yearly and every year, counting from the 5th November, 1781, according to the convention of that day; the minister of Congress acknowledges that the repay-

repayment of that is due to his majesty, by the United States, and he engages in the name of the said United States to cause payment thereof to be made, at the same time, and at the same rate, at the royal treasury of his majesty; the first year's interest to be paid the 5th of November next, and so yearly during the five years preceding the first term for the payment of the capital, fixed as above, on the 5th of November, 1787.

The high contracting parties reciprocally bind themselves to the faithful observance of this contract, the ratifications of which shall be exchanged in the space of nine months from this day, or sooner, if possible.

In Testimony whereof, WE, the said plenipotentiaries of his most christian majesty, and of the Thirteen United States of North America, in virtue of our respective powers, have signed these presents, and thereunto fixed the seal of our arms.

DONE at Versailles, the sixteenth day of July, one thousand seven hundred and eighty-two.

(*Signed*) GRAVIER de VERGENNES. (L.S.)
B. FRANKLIN. (L.S.)

Now Know Ye, that we the said United States in Congress assembled, impressed with a most lively sense of the generosity and affection manifested by his most christian majesty in the above contract, have ratified and confirmed; and by these presents do ratify and confirm the said contract, and every article and clause thereof. And we do hereby empower our minister plenipotentiary at the court of Versailles, to deliver this our act of ratification, in exchange for the ratification of the said contract on the part of his most christian majesty.

In Testimony whereof, we have caused our seal to be hereunto affixed; *witness*, His excellency ELIAS BOUDINOT, president, this twenty-second day of January, one thousand seven hundred and eighty-three, and of our sovereignty and independence the seventh.

A CON-

A CONTRACT entered into by the Honorable JOHN ADAMS, in behalf of the UNITED STATES, with Sundries, for a Loan of *Five Millions of Florins.*

Tranſlation from the Dutch.

Minuted on a Seal of 48 Stivers.

(Signed) VAN HOLE, *Notary.*

ON the eleventh day of June, in the year one thouſand ſeven hundred and eighty-two, appeared before me Pieter Galenus Van Hole, notary of Amſterdam, admitted by the honorable court of Holland,

The honorable John Adams, eſquire, miniſter plenipotentiary on the part of the United States of America, by their high mightineſſes the lords ſtates general of the United Netherlands, &c. &c. in quality, as eſpecially qualified and authoriſed by the above-mentioned States of America, in Congreſs aſſembled, for, and in behalf of the ſaid States of America, to raiſe a loan with any perſon or perſons, ſtates or companies, with ſubjoined aſſurance in good faith to ratify and fulfil all that ſhall be done in this reſpect by him, honorable appearer, according to authentic copy and tranſlation of the original commiſſion or power exhibited to me, notary, and depoſited in my cuſtody, in behalf of the joint money lenders,

The honorable appearer reſiding in the Hague, but being now in this city.

And the honorable appearer acknowledged himſelf, in his aforeſaid quality, and thus in the name and in behalf of the above-mentioned States of America, to be duly and lawfully indebted to, and in behalf of ſundry perſons, or money lenders, in all, a ſum of one million of guilders, Dutch current money, ariſing from, and on account of ſo much ready money received by him, honorable appearer, in his aforeſaid quality, to his perfect ſatisfaction, from the ſaid money lenders, in conſequence of the receipt hereafter mentioned, to be ſigned by the honorable appearer,

pearer, under the authentic copies hereof, expresly and formally disavowing the excuse of untold monies.

And the honorable appearer promised, in his aforesaid quality, to repay in this city, the said sum of one million of guilders, free from all costs, charges, and damages to the above-mentioned money lenders, or their assigns, at the expiration of fifteen years after the 1st day of June, 1782; and that in the following manner, to wit,

That the above-mentioned capital shall remain fixed during the space of ten years, and that with the eleventh year, and thus, on the first day of June, 1793, a fifth part, or two hundred thousand guilders of the said capital of one million, shall be redeemed, and in the same manfrom year to year, until the the first day of June, 1797, inclusive; so that the whole capital shall be redeemed and discharged within the above-mentioned space of fifteen years.

And that for said capital, at first for the whole, and afterwards for the residue, at the expiration of every year, interest shall be paid at the rate of five per cent. in the year, commencing the first day of June, 1782, and to continue until the final accomplishment, and that on coupons to be signed by, or for account of said honorable appearer, in his aforesaid quality.

That the above-mentioned redeeming shall be performed by drawing, in presence of a notary and witnesses in this city, after the expiration of the first mentioned ten years, in such a manner, that the Nos. of the obligations drawn, shall be by times made known in the public papers.

That the payment of the interests, as also the redeeming of the respective periods, shall be made at the compting-houses of the hereafter-mentioned gentlemen, directors, or at such other places within this city as shall likewise be advertised in the public papers.

That the directors of this negociation shall be Messrs. Wilhelm et Jan Willink, Nicolaas et Jacob Van Staphorst, and De la Lande et Fynje, merchants of this city, who are by these presents, thereto named and appointed by the honorable appearer, in his aforesaid quality.

The

The honorable appearer promiſing and engaging in the names of his conſtituents, that the amount of the intereſts, and of the redeemings to be made from time to time of the ſaid capital, ſhall be in due time remitted to the aforeſaid gentlemen directors, their heirs or ſucceſſors, in good bills of exchange, American products, or in ready money, without any abatement or deduction whatſoever.

That this obligation ſhall never be ſubject to any impoſts or taxes already laid, or in time to come to be laid in the ſaid United States of America, even in caſe (which God forbid) any war, hoſtilities or diviſions ſhould ariſe between aforeſaid United States or any of them, on the one ſide, and the States of theſe Lands on the other, that the payment of the capital or intereſts of this obligation can in no wiſe, nor under any pretext whatſoever, be hindered or delayed.

The honorable appearer, in his aforeſaid quality, promiſing and engaging moreover, for, and in the names of the ſaid United States, that there ſhall never be made by them, or on their parts, or any of them in particular, any convention or treaty, public or private, at the making of peace or otherwiſe, by which the validity and accompliſhment of theſe preſents might be prejudiced, or whereby any thing contrary thereto might be ſtipulated, but that without any exception, the contents hereof ſhall be maintained in full force.

The honorable appearer, in his aforeſaid quality, likewiſe promiſes, engages, and binds himſelf by theſe preſents, that this engagement ſhall be ratified and approved as ſoon as poſſible, by ſaid United States in Congreſs aſſembled, and that authentic copy tranſlation of ſaid ratification, with the original, ſhall be depoſited in cuſtody of me, notary, to be there kept with ſaid authentic copy tranſlation of the commiſſion or power of him, honorable appearer, and the engroſſed hereof, for the ſecurity of the money lenders, until the above-mentioned capital and intereſts as aforeſaid, ſhall be redeemed and paid off.

And there ſhall be made of this act, (as the honorable appear-

appearer, in his aforesaid quality, consents) above and besides the above-mentioned engrossed, one thousand authentic copies, which shall be be of the same force and value, and have the same effect as the engrossed one; under every one of which copies shall be placed a receipt of one thousand guilders, Dutch current money, either on name or in blank, at the choice of the money lenders, to be signed by him, honorable appearer, and which receipts shall be respectively numbered from No. 1, to 1000, inclusive, and countersigned by above-mentioned gentlemen directors, and duly attested by me, notary, as a testimony that no more than one thousand obligations are numbered in virtue of this act. All which authentic copies, with the receipts there under placed, shall, at the redeeming of the capital, be restored by the bearers.

On failure of prompt payment, as well of the capital as of the interests, at the appointed periods, the capital, or residue thereof, may be demanded by the gentlemen directors, in behalf of the money lenders, who shall be then interested therein; and the aforesaid principals and committents of him, honorable appearer, shall in that case be held and bound to redeem and discharge immediately, in one sum, the remaining capital, with the interests and charges.

For the accomplishment and performance of all the above-written, the honorable appearer, binds in his aforesaid quality, and thus, in the names, and on the part of the above-mentioned United States of America, the said United States of America, jointly, and each of them in particular, together with all their lands, chattles, revenues, and products, together with imposts and taxes already laid and raised in the same, or in time to come to be laid and raised, and thus of all the United States of America, jointly, and of each of the same in particular, for the whole.

He, the honorable appearer, renouncing in the names as above, for that purpose expressly, beneficium divisionis, as likewise de duobus vel pluribus reis debendi, signifying a retribution of debts, and that when two or more are indebted,

debted, each of them can ſatisfy with the payment of their portion; the honorable appearer promiſing in his aforeſaid quality, never to have recourſe to the ſaid, or or to any other evaſions whatſoever.

This being paſſed (after tranſlation into Engliſh was made hereof, and which likewiſe is ſigned by the honorable appearer, and depoſited in the cuſtody of me the ſaid notary) within Amſterdam aforeſaid, in the preſence of

GIDION VICTOR, et } Witneſ-
CORNELIUS MARCHANT, } ſes.

(*Signed*) P. G. VAN HOLE, *Notary*.

Coll. faithfully tranſlated from the Dutch.

Amſterdam, this 17th day of June, 1782.

JOANNES VERGEEL, L. SON, *Sworn Tranſlator*.

No. I.

There are fours other of the ſame tenor and date, numbered, 2, 3, 4, 5, making in the whole five millions guilders; and each of the ſaid contracts is ratified by Congreſs, and by their order endorſed as follows:

Be it remembered, that the five ſeveral contracts or engagements entered into by the honorable John Adams, eſq. miniſter plenipotentiary of the United States of America, to their high mightineſſes the lords the ſtates general of the United Netherlands, in behalf of the ſaid United States, bearing date the eleventh day of June, in the year 1782, and purporting to be ſecurities, each of them for the payment of a million of guilders, Dutch current money, by the United States, to certain money lenders, under the negociation of Meſſrs. Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorſt, and De la Lande and Fynje, merchants in Amſterdam, were read in Congreſs, approved and ratified, and the ſame are hereby ratified and declared obligatory on the ſaid United States.

DONE in the ſtate houſe at Philadelphia, by the United States of America in Congreſs aſſembled, the

14th

14th day of September, in the year of our Lord 1782, and in the ſeventh year of our independence.

(*Signed*) JOHN HANSON, *Preſident.*

The UNITED STATES in CONGRESS aſſembled,

To ALL *who ſhall ſee theſe preſents, ſend greeting,*

WHEREAS Benjamin Franklin, our miniſter plenipotentiary at the court of Verſailles, in purſuance of the powers in him veſted, did on the 25th day of February, in the year one thouſand ſeven hundred and eighty-three, with Charles Gravier de Vergennes, &c. counſellor of the king in all his councils, commander of his orders, miniſter and ſecretary of ſtate, &c. veſted with full powers of his moſt chriſtian majeſty for the purpoſe, enter into, conclude and ſign a contract between his moſt chriſtian majeſty and the United States of North-America, in the words following, viz.

Contract between the king and the Thirteen United States of North-America.

The re-eſtabliſhed peace between the belligerent powers; the advantages of a free commerce to all parts of the globe, and the independence of the Thirteen United States of North-America, acknowledged and founded on a ſolid and honorable baſis, rendered it probable that the ſaid ſtates would be in a condition to provide hereafter for their neceſſities, by means of the reſources within themſelves, without being compelled to implore the continuation of the ſuccours which the king has ſo liberally granted during the war: But the miniſter plenipotentiary of the ſaid United States, to his majeſty, having repreſented to him the exhauſted ſtate to which they have been reduced by a long and diſaſtrous war, his majeſty has condeſcended to take into conſideration the requeſt made by the aforeſaid miniſter, in the name of the Congreſs of the ſaid ſtates, for a new advance of money, to anſwer numerous purpoſes of urgent and indiſpenſable expences in the courſe of the preſent year; his majeſty has in conſequence determined, notwithſtanding the no leſs preſ-

ſing

ſing neceſſities of his own ſervice, to grant to Congreſs a new pecuniary aſſiſtance, which he has fixed at the ſum of ſix millions livres Tournois, under the title of loan, and under the guaranty of the whole Thirteen United States; which the miniſter of Congreſs has declared his acceptance of, with the livelieſt acknowledgements in the name of the ſaid ſtates.

And as it is neceſſary to the good order of his majeſty's finances, and alſo uſeful to the operations of the finances of the United States, to aſſign periods for payment of the ſix millions livres in queſtion, and to regulate the conditions and terms of reimburſement, which ſhould be made at his majeſty's royal treaſury at Paris, after the manner of what has been ſtipulated for the preceding advances by a former contract of the 16th July, 1782.

WE, Charles Gravier, count de Vergennes, &c. counſellor of the king in his councils, commander of his orders, chief of the royal council of finances, counſellor of ſtate, &c. miniſter and ſecretary of ſtate, and of his commands and finances, inveſted with full powers by his majeſty given to us for the purpoſe of theſe preſents;

And WE, Benjamin Franklin, miniſter and plenipotentiary of the United States of North-America, likewiſe inveſted with powers by the Congreſs of ſaid States, for the ſame purpoſe of theſe preſents, after having compared and duly communicated to each other our reſpective powers, have agreed on the following articles:

ARTICLE I.

The payment of the ſix millions livres, French money, above-mentioned, ſhall be made from the funds of the royal treaſury, in proportions of five hundred thouſand livres, during each of the twelve months of the preſent year, under the acknowledgements of the miniſter of the ſaid United States, promiſing in the name of Congreſs, and in behalf of the Thirteen United States, to reimburſe and refund the ſaid ſix millions livres, in ready money, at his majeſty's royal treaſury, at the houſe of the Sieur Grand, banker at Paris, with intereſt at five per cent.

per

per annum, at periods hereafter ſtipulated in the third and fourth articles. The advances which his majeſty has been pleaſed to allow to be made on account of the ſix millions in queſtion, ſhall be deducted in the payments of the firſt month of this year.

ARTICLE II.

For better underſtanding the fixing of periods for the reimburſment of the ſix millions at the royal treaſury, and to prevent all ambiguity on this head, it has been found proper to recapitulate here the amount of the preceding aids granted by the king to the United States, and to diſtinguiſh them according to their different claſſes: the firſt is compoſed of funds lent ſucceſſively by his majeſty, amounting in the whole to the ſum of eighteen millions livres, reimburſable in ſpecie at the royal treaſury, in twelve equal portions of a million five hundred thouſand livres each, beſides the intereſt, and in twelve years, to commence from the third year after the date of the peace, the intereſt beginning to reckon at the date of the peace, to be diſcharged annually, ſhall diminiſh in proportion to the reimburſement of the capital, the laſt payment of which ſhall expire in the year 1798.

The ſecond claſs comprehends the loan of five millions Dutch florins, amounting by a moderate valuation to ten millions livres Tournois, the ſaid loan made in Holland in 1781, for the ſervice of the United States of North-America, under the engagement of the king, to refund the capital, with intereſt at four per cent. per annum, at the general counter of the ſtates general of the United Provinces of the Netherlands, in ten equal portions, reckoning from the ſixth year of the date of ſaid loan; and under the like engagement on the part of the miniſter of Congreſs, and in behalf of the Thirteen United States, to reimburſe the ten millions of ſaid loan in ready money, at the royal treaſury, with intereſt at four per cent. per annum, in ten equal portions of a million each, and in ten periods from year to year; the firſt of which ſhall take place in the month of November, 1787, and the laſt in the ſame month

1796,

1796. The whole conformable to the conditions expressed in the contract of 16th July, 1782.

In the third class are comprehended, the aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance from the pure generosity of the king, three millions of which were granted before the treaty of February, 1778, and six millions in 1781, which aids and subsidies amount in the whole to nine millions livres Tournois. His majesty here confirms, in case of need, the gratuitous gift to the Congress of the said Thirteen United States.

ARTICLE III.

The new loan of six millions livres Tournois, the subject of the present contract, shall be refunded and reimbursed in ready money, at his majesty's royal treasury, in six equal portions of a million each, with interest at five per cent. per annum, and in six periods, the first of which shall take place in the year 1797, and so on from year to year until 1802, when the last reimbursement shall be compleated.

ARTICLE IV.

The interest of five per cent. per annum, of the capital of the six millions mentioned in the preceding article, shall begin to be reckoned from the first of January, of the year 1784, and shall be paid in ready money, at his majesty's royal treasury at Paris, on the same day of each year, the first of which shall take place the first of January, 1785, and so on from year to year until the definitive reimbursement of the capital. His majesty being pleased, by a new act of generosity, to present and remit to the Thirteen United States, the partial interest of the present year, which the under-written minister of Congress has declared to accept with acknowledgement, in the name of the said United States.

ARTICLE V.

The interest of the capital of the six millions shall diminish

niſh in proportion to the reimburſements at the periods fixed in the preceding article; Congreſs and the United States reſerving however, the liberty of freeing themſelves by anticipated payments, ſhould the ſtate of their finances admit.

ARTICLE VI.

The contracting parties will reciprocally guaranty the faithful obſervation of the foregoing articles, the ratifications of which ſhall be exchanged in the ſpace of nine months from the date of this preſent contract, or ſooner if poſſible.

In faith whereof, WE, the miniſters plenipotentiary of his majeſty, and the Congreſs of the Thirteen United States of North-America, in virtue of our reſpective full powers, have ſigned the preſent contract, and thereunto affixed the ſeal of our arms.

DONE at Verſailles, the twenty-fifth day of February, one thouſand ſeven hundred and eighty-three.

(*Signed*) GRAVIER de VERGENNES. (L.S.)
B. FRANKLIN. (L.S.)

Now Know Ye, that we the ſaid United States in Congreſs aſſembled, impreſſed with a lively ſenſe of the aſſiſtance and affection manifeſted by his moſt chriſtian majeſty in the above contract, have ratified and confirmed, and by theſe preſents do ratify and confirm the ſaid contract, and every article thereof. And we do hereby empower our miniſter plenipotentiary at the court of Verſailles, to deliver this our ratification, in exchange for the ratification of the ſaid contract on the part of his moſt chriſtian majeſty.

In Teſtimony whereof, we have cauſed our ſeal to be hereunto affixed; *witneſs*, His excellency ELIAS BOUDINOT, preſident, this 31ſt day of October, 1783, and of our ſovereignty and independence the eighth.

Atteſt. CHAS. THOMSON, *Sec'ry.*

The

A CONTRACT for a LOAN of two million GUILDERS.

The Original is written on a ſtamped Paper of Eight Shillings.

Copy, ◯ RENDON.

ON the ninth day of March, in the year of our Lord one thouſand ſeven hundred and eighty-four, appeared before me, Lambert Sythoſt, notary public, duly admitted and ſworn by the honorable court of Holland, dwelling at the Hague, and in the preſence of the under-written witneſſes;

The honorable John Adams, eſquire, miniſter plenipotentiary on the part of the United States of America, by their high mightineſſes the lords ſtates general of the United Netherlands, &c. &c. &c. in quality as eſpecially qualified, and are authoriſed by the above-mentioned States of America, to raiſe a loan with any perſon or perſons, ſtates or companies, with ſubjoined aſſurance in good faith to ratify and fulfil all that ſhall be done in this reſpect by him, honorable appearer, in his above-mentioned quality, and by virtue of the above-mentioned authority. This original power being exhibited to me, notary, with authentic copy, and the tranſlation of the ſame, in behalf of the money lenders to be hereafter named, their ſucceſſors or aſſigns, and depoſited in the cuſtody of the notary Peter Galenus Van Hole, in Amſterdam.

And the honorable appearer acknowledged himſelf in his aforeſaid quality, and thus in the name and on the part of the United States of America, to be duly and lawfully indebted to, and in behalf of Meſſieurs Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorſt, and Le la Lande and Fynje, a ſum of two millions of guilders, Dutch current money, ariſing from and on account of ſo much ready money received, to his perfect ſatisfaction, by him, the honorable appearer, in his above-mentioned quality, and therefore expreſsly and formally diſavowing the excuſe de nummis non numeratis of untold monies, and thus the whole to be performed on the following conditions and limitations.

THAT

THAT for the ſaid capital of two millions of guilders, ſhall be paid annually an intereſt at the rate of four in the hundred; the ſaid intereſt beginning with the firſt day of February, of this year, until the actual liquidation and final accompliſhment, on the terms and limitations to be hereafter mentioned and appointed.

That the above-mentioned gentlemen, Meſſieurs Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorſt, and De la Lande and Fynje, ſhall have the liberty, and ſo far as is neceſſary, are hereby empowered to divide the above-mentioned capital, and diſtribute the ſame under their firm or ſignature, and diſpoſe of to others, two thouſand obligations, or bonds of participation; each obligation or bond conſiſting of one thouſand guilders, with the coupons of the ſame for the receipt of the yearly intereſt of four in the hundred; which obligations or bonds of participation being numbered No. 1, to 2000, incluſive, and atteſted by a notary public in Amſterdam, ſhall be of the ſame power and value as the engroſſed copy itſelf.

That for the advantage of the perſons who are participators in the above-mentioned obligations or bonds of participation, a certain number of obligations or bonds, each of one thouſand guilders, yielding likewiſe an intereſt of four in the hundred, in the year, ſhall be diſtributed at the under-mentioned periods, as premiums to the bearers of ſuch numbers as ſhall have a right and be entitled thereto by a drawing, which is to be three months before, in the preſence of a notary public and witneſſes.

FIRST of FEBRUARY.

		Capital.
1785,	Fifty obligations in all,	50,000
1787,	Sixty Ditto,	60,000
1789,	Seventy Ditto,	70.000
1791,	Ninety Ditto,	90,000
1793,	One hundred Ditto,	100,000
1795,	One hundred and twenty Do.	120,000
1797,	Two hundred Ditto,	200,000

That the obligations or bonds ariſing from this drawing, ſhall be likewiſe ſigned by Meſſieurs Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorſt, and De la Lande and Fynje,

Fynje, or the ſucceſſors of the ſaid gentlemen for the time being, and duly attested by a notary; unleſs the United States of America might chuſe to pay off and diſcharge in ready money the premiums thus drawn, ſix months after the drawing, to do which the honorable appearer by theſe preſents reſerves the liberty for the above-mentioned States of America.

That the redeeming of the above-mentioned obligations or bonds of participation, as alſo of the premiums falling thereto in conſequence of a drawing to be done annually, in the preſence of a notary public and witneſſes, ſhall be accompliſhed at the following periods:

On the firſt of February, 1801,		
Shall be redeemed,	250,000	
With the obligations diſtributed anno, 1785, - -	50,000	
		300,000
With a gratification at 4 per cent.		12,000
On the firſt of February, 1802,		
Shall be redeemed,	250,000	
With the obligations diſtributed in 1787, - -	60,000	
		310,000
With a gratification at 5 per cent.		15,500
On the firſt of February, 1803,		
Shall be redeemed,	250,000	
With the obligations diſtributed in 1789, - -	70,000	
		320,000
With a gratification of 6 per cent.		19,200
On the firſt of February, 1804,		
Shall be redeemed,	250,000	
With the obligations diſtributed in 1791, - -	90,000	
		340,000
With a gratification of 7 per cent.		23,800

On

On the first of February, 1805,		
Shall be redeemed,	250,000	
With the obligations distributed in 1793, - -	100,000	
		350,000
With a gratification of 8 per cent.		28,000
On the first of February, 1806.		
Shall be redeemed,	250,000	
With the obligations distributed in 1795, - -	120,000	
		370,000
With a gratification of 9 per cent.		33,300
On the first of February, 1807.		
Shall be redeemed,	500,000	
And the obligations distributed in 1797, - -	200,000	
		700,000
With a gratification of 10 per cent.		70,000

That for the payment of the yearly interest, and the redeemings or liquidations to be done in consequence of the above-mentioned drawing, of which a due publication shall be made by advertisement in the public newspapers, the honorable appearer, in his aforesaid quality, and thus in the name of the United States of America, promises and engages to remit the necessary monies thereto, to the above-mentioned gentlemen, Messieurs Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorst, and De la Lande and Fynje, and their successors, in good bills of exchange, products of America, or in ready money, without any abatement or deduction.

That this obligation shall likewise, never be subject to any imposts or taxes, imposed, or yet to be imposed, in the United States of America, or any of them, and there shall also, never be made, or formed by the aforesaid United States of America, or any of them in particular, any resolu-

resolution or convention, whereby the execution and performance hereof, should in any manner be prejudiced or hindered, though it even were, which the Almighty forbid, that any war, hostility, or alienation might arise between the United States of America, or any of them, on the one hand, and the states of these lands, or any of them on the other hand, but, on the contrary, that in all circumstances, without any exception, the contents of these presents, shall be punctually performed and executed.

Finally, that the honorable appearer, in his above-written quality, promises and engages, that this obligation, or bond, shall be as speedily as possible, ratified and approved by the above-mentioned United States of America in Congress assembled, and that the original act of this ratification and approbation, with an authentic copy, translation of the same, together with an engrossed copy hereof, shall be deposited in the custody of a notary public in Amsterdam, to be there kept altogether, for the satisfaction and security of the money-lenders, and to remain there so long until the capital and interest of the borrowed monies, as likewise the obligations or bonds arising from the drawing, as is here before appointed and limited, be perfectly acquitted and discharged.

On failure of a punctual discharging, or acquitting of the capital, as well as the interest, at the appointed periods, the whole capital, or that part of the same, which shall at that time be unpaid, may, by the gentleman directors, in behalf of the then jointly money-lenders be demanded, and the honorable appearers above-mentioned principals, the United States of America, shall, in that case, be held and obliged in promptis, to discharge and acquit the due capital, with the interests and charges, the whole in one sum.

For the accomplishment and performance of all the above-written, the honorable appearer binds, in his above-mentioned quality, and thus in the names, and on the part of the United States of America, jointly, and each of them separately, as also, all their lands, chattels,

revenues

revenues and products, together, with the impofts and taxes already impofed, or hereafter to be impofed and levyed, and thus of all the United States, and of each of them in particular, in folidum, and for the whole.

He, the honorable appearer, renouncing in the names above-mentioned, to that end expr fsly and premeditately, beneficium divifionis, together with de duobus vel pluribus reis debendi. fignifying a retribution of debts, and that when two or more are indebted, each of them can fatisfy with the payment of his portion : the honorable appearer promifing in his above-mentioned quality, never to have recourfe to the faid or to any other evafion or fubterfuge whatfoever.

Thus Done and paffed at the Hague, in the prefence of FRANCIS JOHN BOSBOOM, and JOHN PHILIP VAN OGTEN, witneffes.

The Original is duly figned,
(Underftood)
Quod Atteftor,
(*Signed*) L. SYTHOFF, *Notary Public*.

The ratification of the above contract by the United States in Congrefs affembled, is in the words following :

Be it remembered, that the within contract or engagement entered into by the honorable John Adams, efq. minifter plenipotentiary of the United States of America, to their high mightineffes the lords the ftates general of the United Netherlands, in behalf of the faid States, with Meffieurs Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorft, and De la Lande and Fynje, and their fucceffors or affigns, for a loan of two millions of guilders, dated at the Hague, March the ninth, 1784 ; hath been read in Congrefs, approved and ratified, and declared obligatory on the United States of America.

DONE in the City-Hall, in the City of New-York, by the United States in Congrefs affembled, this firft day of February, in the year of our Lord one thoufand feven hundred and eighty-five, and in the ninth year of our fovereignty and independence.

Tran-

A CONTRACT for a LOAN of one million GUILDERS.

Tranſlation from the Dutch.

WOLFF.

ON the firſt day of June, in the year one thouſand ſeven hundred and eighty-ſeven, appeared before me, Peter Galenus Van Hole, notary of Amſterdam, admitted by the honorable court of Holland;

His excellency the honorable John Adams, eſquire, miniſter plenipotentiary on the part of the United States of America, &c. &c. in quality, as eſpecially empowered and authoriſed by the above-mentioned States of America, in Congreſs aſſembled, for and in behalf of ſaid States of America, to raiſe a loan with any perſon or perſons, ſtates or companies, with ſubjoined aſſurance in good faith to ratify and fulfil all that ſhall be done in this reſpect, by him, honorable appearer, according to authentic copy and tranſlation of the original commiſſion or power exhibited to me, notary, and depoſited in my cuſtody, in behalf of the joint money lenders.

The honorable appearer reſiding in London, but being now in this city.

And the honorable appearer acknowledged himſelf in his aforeſaid quality, and thus in the name and in behalf of the above-mentioned States of America, to be duly and lawfully indebted to and in behalf of ſundry perſons or money lenders, in all, a ſum of one million of guilders, Dutch current money, ariſing from and on account of ſo much ready money received by him the honorable appearer, in his aforeſaid quality, to his perfect ſatisfaction, from the ſaid money lenders, purſuant to the receipt hereafter mentioned to be ſigned by the honorable appearer, under the authentic copies hereof; expreſsly and formally diſavowing the excuſe of untold monies.

And the honorable appearer promiſed in his aforeſaid quality,

quality, to repay and reimburse in this city, the said sum of one million of guilders, free from all costs, charges and damages to the above-mentioned money lenders or their assigns, at the expiration of fifteen years, after the first day of June, 1787, and that in the following manner, to wit:

That the above-mentioned principal shall remain fixed during the space of ten years, and that with the eleventh year, and thus, on the first day of June, 1798, a fifth part, or two hundred thousand guilders of the said principal of one million shall be redeemed, and in the same manner from year to year, until the first day of June, 1802, inclusive; so that the whole principal shall be redeemed and discharged within the above-mentioned space of fifteen years.

And that mean while for said principal, at first for the whole, and afterwards for the residue, at the expiration of every year, interest shall be paid at the rate of five per cent in the year, commencing the first day of June, 1787, and to continue until the final accomplishment, and that on coupons, to be signed by, or on the part of said honorable appearer, in his aforesaid quality.

That the above-mentioned redeeming shall be performed by drawing, in the presence of a notary and witnesses in this city, after the expiration of the first mentioned ten years, in such a manner that the Nos. of the bonds or obligations drawn shall be betimes made known in the public papers.

That the payment of the interests, as also the redeeming of the respective periods shall be made at the compting-houses of the hereafter mentioned gentlemen, directors, or at such other places within this city as shall likewise be advertised in the public papers.

That the directors of this negociation shall be Messieurs Wilhelm and Jan Willink, and Nicolaas and Jacob Van Staphorst, of this city, merchants, who are by these presents thereto named and appointed by the honorable appearer, in his aforesaid quality.

The honorable appearer promising and engaging in the names of his constituents; that the amount of the interests and

and of the redeemings to be made from time to time of the ſaid principal, ſhall be in due time remitted to the aforeſaid gentlemen directors, their heirs or ſucceſſors, in good bills of exchange, American products, or in ready money, without any abatement or deduction whatſoever.

That this bond or obligation ſhall never be ſubject to any impoſts or taxes already laid, or in time to come to be laid, in the ſaid United States of America, or any of them, even in caſe (which God forbid) any war, hoſtilities or diviſions, ſhould ariſe between aforeſaid United States, or any of them on the one ſide, and the States of theſe Lands on the other, and, that the payment of the principal or intereſts of this bond or obligation, accordingly, can, in no wiſe, nor under any pretext whatſoever, be hindered or delayed.

The honorable appearer, in his aforeſaid quality, promiſing and engaging, moreover, for, and in the names of the ſaid United States, that there ſhall never be made, or entered into by them, or on their parts, or any of them in particular, any convention or treaty, public or private, at the making of peace, or otherwiſe, by which the validity and accompliſhment of theſe preſents might be prejudiced, or, whereby any thing contrary thereto might be ſtipulated; but, that without any exception the contents hereof ſhall be kept and maintained in full force.

The honorable appearer, in his aforeſaid quality, likewiſe promiſes, engages and binds himſelf by theſe preſents, that this engagement ſhall be ratified and approved as ſoon as poſſible by ſaid United States in Congreſs aſſembled and, that authentic copy, tranſlation of ſaid ratification, with the original, ſhall be depoſited in cuſtody of me the ſaid notary, to be there kept with ſaid authentic copy tranſlation of the commiſſion or power of him, honorable appearer, and the engroſſed hereof for the ſecurity of the money lenders, until the above-mentioned principal and intereſts as aforeſaid ſhall be redeemed and paid off.

And there ſhall be made of this act, (as the honorable appearer,

appearer in his aforesaid quality consents) above and besides the above-mentioned engrossed, one thousand authentic copies, which shall be of the same force and value, and have the same effect as the engrossed one, under every one of which copies shall be placed a receipt of one thousand guilders, Dutch current money, either on name or in blank, at the choice of the money lenders, to be signed by him, honorable appearer, and which receipts shall be respectively numbered from No. 1, to 1000, inclusive, and and countersigned by the above-mentioned gentlemen directors, and duly recorded by me the said notary, as a testimony that no more than one thousand bonds or obligations are numbered by virtue of this act.

All which authentic copies with the receipts there under placed, shall, at the redeeming of the principal, be restored by the bearers.

On failure of prompt payment, as well of the principal as of the interests at the appointed periods, the principal or residue thereof may be demanded by the gentlemen directors, in behalf of the money lenders, who shall be then interested therein, and the aforesaid constituents and committents of him, honorable appearer, shall in that case be held and bound to redeem and discharge immediately in one sum, the remaining principal, with the interests and charges; for the accomplishment and performance of all the above-written the honorable appearer binds in his aforesaid quality, and thus in the names and on the part of the above-mentioned United States of America, the said United States of America jointly, and each of them in particular, together with all their lands, chattles, revenues and products, and also the imposts and taxes already laid and raised in the same, or in time to come to be laid and raised, and thus of all the United States of America jointly, and each of them in particular, and for the whole.

He, the honorable appearer, renouncing in the names as above, for that purpose expressly, beneficium divisionis, as likewise de duobus vel pluribus reis debendi, signifying a retribution of debts, and that when two or more are indebt-

indebted, each of them can ſatisfy with the payment of his portion : the honorable appearer promiſing in his aforeſaid quality, never to have recourſe to the ſaid or to any other evaſions whatſoever.

This being paſſed, (after tranſlation into Engliſh was made hereof, and which likewiſe is ſigned by the honorable appearer, and depoſited in the cuſtody of me the ſaid notary,) within Amſterdam aforeſaid, in the preſence of *Martinus Gerardus Brondgeest*, and *Jacob de Wolff*, witneſſes.

(*Signed*) JOHN ADAMS,
M. G. BRONDGEEST,
J. D. WOLFF,
P. G. VAN HOLE, *Notr'y.*

Faithfully tranſlated from the Dutch.

Amſterdam, the firſt day of June, anno. 1787.

JOANNES VERGEEL LAC SON, *Sworn Tranſlator.*

The ratification of the above contract by the United States in Congreſs aſſembled, is in the words following:

Be it remembered, that the within contract or engagement entered into by the honorable John Adams, miniſter plenipotentiary of the United States of America, to their high mightineſſes the lords the ſtates general of the United Netherlands, in behalf of the ſaid States, with ſundry money lenders, for a loan of one million of guilders, Dutch current money dated at Amſterdam, the the firſt day of June, 1787 ; hath been read in Congreſs, approved and ratified, and declared obligatory on the United States of America.

DONE in the City-Hall, in the City of New-York, by the United States in Congreſs aſſembled, this eleventh day of October, in the year of our Lord one thouſand ſeven hundred and eighty-ſeven, and in the twelfth year of our ſovereignty and independence.

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